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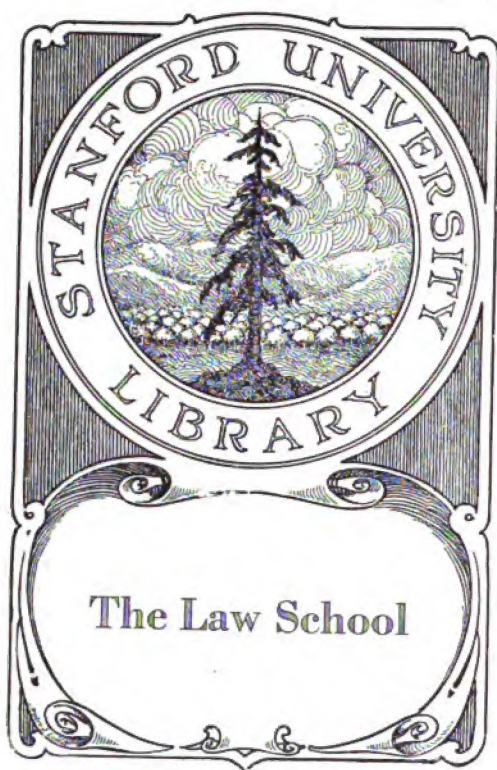
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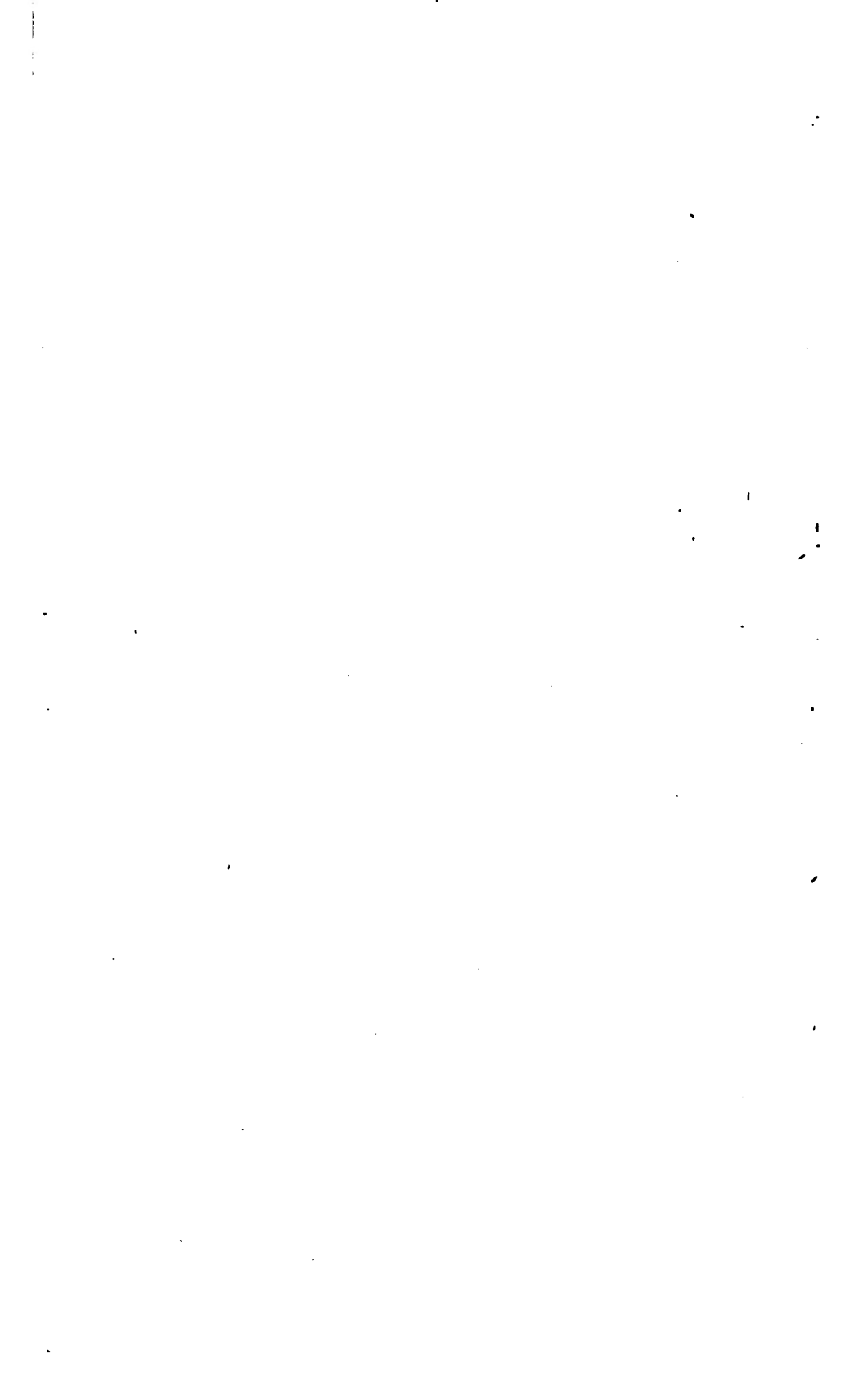
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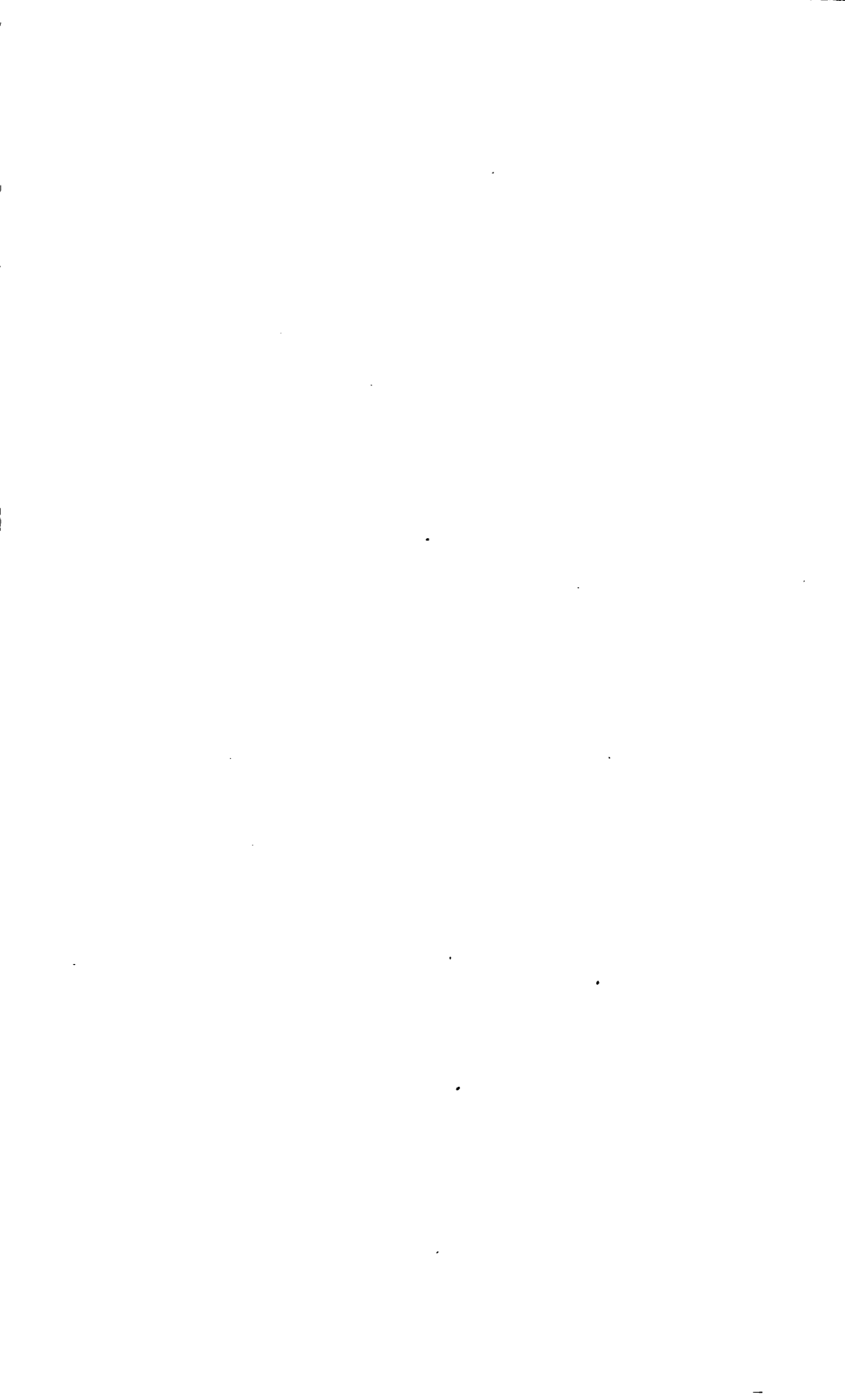


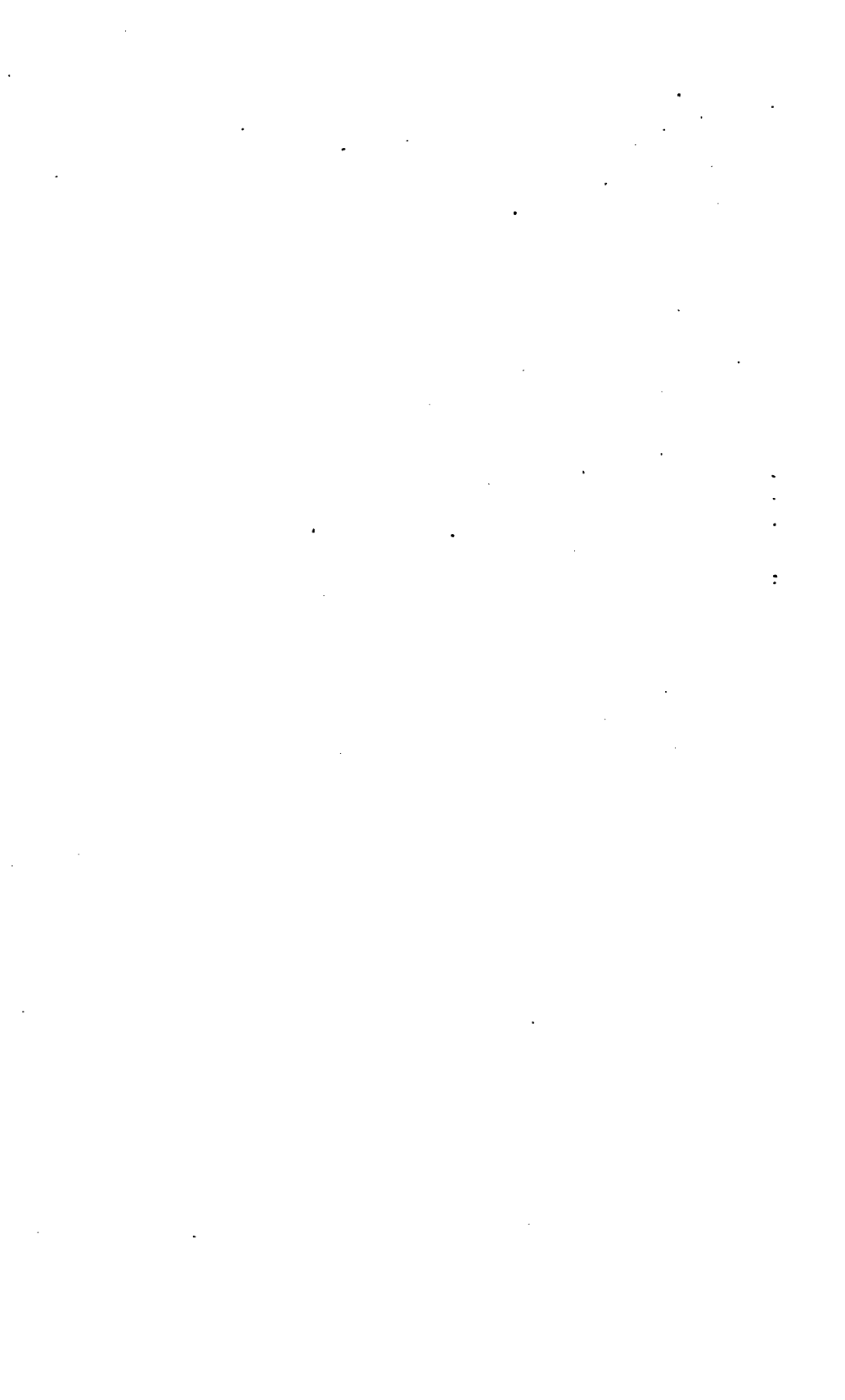
New York Coll











L A W S
OF THE
STATE OF NEW YORK,
PASSED AT THE
ONE HUNDRED AND TWENTY-THIRD SESSION
OF THE
LEGISLATURE,

BEGUN JANUARY THIRD, 1900, AND ENDED APRIL
SIXTH, 1900, IN THE CITY OF ALBANY.

VOL. I.



ALBANY:
J. B. LYON COMPANY, PRINTERS,
1900.

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VARIABLE

CERTIFICATE.

OFFICE OF THE SECRETARY OF STATE

OF THE STATE OF NEW YORK,

ALBANY, *June 1, 1900.*

Pursuant to the directions of chapter 682, Laws of 1892, entitled "The Legislative Law," I hereby certify that the following volume of the Laws of this State was printed under my direction.

JOHN T. McDONOUGH,

Secretary of State.

In this volume, every act which received the assent of a majority of all the members of the Legislature, three-fifths of all the members elected to either House thereof being present, pursuant to section 21 of article 3 of the Constitution of this State, is designated under its title by the words "passed, three-fifths being present." And every act which received the assent of a majority of all the members elected to each branch of the Legislature, pursuant to section 15 of article 3 of the Constitution of this State, is designated under its title by the words "passed, a majority being present." And every act which received the assent of two-thirds of all the members elected to each branch of the Legislature, pursuant to section 9 of article 1 of the Constitution of this State, is designated under its title by the words "passed by a two-thirds vote." [See "the Legislative Law," chapter 682, Laws of 1892, as amended by chapter 53, Laws of 1894.]



LIST OF OFFICERS.

"§ 45. Contents of published volumes of session laws.—The Secretary of State shall annually cause * * * a statement of the names and residences of the Governor, Lieutenant-Governor, Senators and Members of Assembly, and presiding officers of both Houses in office during each session * * * to be printed and bound. * * * " *Laws of 1892, Chap. 622, Sec. 45.*

NAMES AND RESIDENCES

OF THE GOVERNOR, LIEUTENANT-GOVERNOR, SENATORS, MEMBERS OF ASSEMBLY AND PRESIDING OFFICERS OF BOTH HOUSES OF THE LEGISLATURE OF THE STATE OF NEW YORK AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

GOVERNOR.

THEODORE ROOSEVELT.....*ALBANY, ALBANY COUNTY.

LIEUTENANT-GOVERNOR.

TIMOTHY L. WOODRUFF.....BROOKLYN, KINGS COUNTY.

SENATORS.

District.	NAME.	County.	Address.
1..	John L. Havens.....	Suffolk	Center Moriches.
2..	James Norton.....	Nassau	Glen Cove.
3..	Thomas H. Cullen.....	Kings	Brooklyn.
4..	David Floyd Davis.....	Kings	Brooklyn.
5..	Michael J. Coffey.....	Kings	Brooklyn.
6..	William J. La Roche.....	Kings	Brooklyn.
7..	Patrick H. McCarren.....	Kings	Brooklyn.
8..	Henry Marshall.....	Kings	Brooklyn.
9..	Joseph Wagner.....	Kings	Brooklyn.
10..	John Francis Ahearn.....	New York.....	New York.
11..	Timothy D. Sullivan.....	New York.....	New York.
12..	Samuel J. Foley.....	New York.....	New York.
13..	Bernard F. Martin.....	New York.....	New York.
14..	Thomas Francis Grady.....	New York.....	New York.
15..	Nathaniel A. Elsberg.....	New York.....	New York.
16..	Louis Munzinger.....	New York.....	New York.
17..	George W. Plunkitt.....	New York.....	New York.
18..	Maurice Featherston.....	New York.....	New York.
19..	John Ford.....	New York.....	New York.
20..	Thomas F. Donnelly.....	New York.....	New York.
21..	Richard H. Mitchell.....	New York.....	New York.
22..	William J. Graney.....	Westchester.....	Dobbs Ferry.
23..	Louis F. Goodsell.....	Orange.....	Highland Falls.
24..	Henry S. Ambler.....	Columbia.....	Chatham.
25..	Jacob Rice.....	Ulster.....	Rondout.
26..	William L. Thornton.....	Sullivan.....	Monticello.
27..	Hobart Krum.....	Schoharie.....	Schoharie.
28..	Edgar T. Brackett.....	Saratoga.....	Saratoga Springs.
29..	Curtis N. Douglas.....	Albany.....	Albany.
30..	Frank M. Boyce.....	Rensselaer.....	East Schoodack.
31..	George Chaboon.....	Essex.....	Ausable Forks.
32..	George R. Malby.....	St. Lawrence.....	Ogdensburg.
33..	James D. Feeter.....	Herkimer.....	Little Falls.
34..	Henry J. Coggeshall.....	Oneida.....	Waterville.

* Official residence.

LIST OF OFFICERS.

SENATORS—(Continued).

District.	NAME.	County.	Address.
35..	Elon R. Brown.....	Jefferson	Watertown.
36..	Horace White.....	Onondaga	Syracuse.
37..	Nevada N. Stranahan.....	Oswego.....	Fulton.
38..	William E. Johnson.....	Tioga	Waverly.
39..	Benjamin M. Wilcox.....	Cayuga	Amburn.
40..	Charles T. Willis.....	Schoenlyer.....	Tyrone.
41..	Franklin D. Sherwood.....	Steuben	Hornellsville.
42..	John Raines.....	Ontario.....	Canandaigua.
43..	Cornelius R. Parsons.....	Monroe.....	Rochester.
44..	William W. Armstrong.....	Monroe.....	Rochester.
45..	Timothy E. Ellsworth.....	Niagara	Lockport.
46..	Lester H. Humphrey.....	Wyoming	Warsaw.
47..	William F. Mackey.....	Erie	Buffalo.
48..	Samuel J. Ramsperger.....	Erie	Buffalo.
49..	George A. Davis.....	Erie	Lancaster.
50..	Frank W. Higgins.....	Cattaraugus.....	Olean.

MEMBERS OF ASSEMBLY.

District.	NAME.	County.	Address.
1..	William L. Coughtry.....	Albany.....	Slingerlands.
2..	James B. McEwan	Albany.....	Albany.
3..	George T. Kelly.....	Albany.....	Albany.
4..	Edward McCreary.....	Albany.....	Cohoes.
	Almanzo W. Litchard	Allegany.....	Rushford.
1..	James T. Rogers	Broome.....	Binghamton.
2..	John H. Swift.....	Broome.....	Union.
1..	William E. Wheeler.....	Cattaraugus.....	Portville.
2..	Albert T. Fancher.....	Cattaraugus.....	Salamanca.
1..	Ernest G. Treat.....	Cayuga.....	Weedsport.
2..	George S. Fordyce.....	Cayuga.....	Union Springs.
1..	J. Samuel Fowler.....	Chautauqua	Jamestown.
2..	S. Frederick Nixon.....	Chautauqua	Westfield.
	Charles H. Knipp	Chemung.....	Elmira.
	Jetham P. Allds.....	Chenango	Norwich.
	Charles E. Johnson	Clinton.....	Plattsburg.
	Martin M. Kittell.....	Columbia.....	Kinderhook.
	George S. Sands.....	Cortland	Cortland.
	Delos Axtell.....	Delaware	Barboursville.
1..	John T. Smith	Dutchess	Fishkill-on-Hudson
2..	William A. Tripp.....	Dutchess	Rhinecliff.
1..	John H. Bradley.....	Erie.....	Buffalo.
2..	Henry W. Hill.....	Erie.....	Erie.
3..	George Geoghan.....	Erie.....	Buffalo.
4..	William Metzler.....	Erie.....	Buffalo.
5..	Henry Streifler.....	Erie.....	Buffalo.
6..	Nicholas J. Miller.....	Erie.....	Buffalo.
7..	John K. Patton	Erie.....	Tonawanda.
8..	Elijah Cook.....	Erie.....	Hamburg.
	Orlando Beede.....	Essex	Beedes.
	Halbert D. Stevens.....	Franklin	Malone.
	William Harris.....	Fulton and Hamilton.	Northville.
	John J. Ellis.....	Genesee	Darien Center.
	Sylvester B. Sage.....	Greene	Catskill.

LIST OF OFFICERS.

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MEMBERS OF ASSEMBLY—(Continued).

District.	NAME.	County.	Address.
	Erwin E. Kelley.....	Herkimer.....	Gray.
1..	Morgan Bryan	Jefferson	Adams.
2..	Charles O. Roberts	Jefferson	Philadelphia.
1..	John Hill Morgan.....	Kings	Brooklyn.
2..	John McKeown	Kings	Brooklyn.
3..	James McInerney	Kings	Brooklyn.
4..	Charles Cotton	Kings	Brooklyn.
5..	Abram C. De Graw.....	Kings	Brooklyn.
6..	J. Harvey Waite.....	Kings	Brooklyn.
7..	John D. Holsten	Kings	Brooklyn.
8..	Thomas J. Farrell.....	Kings	Brooklyn.
9..	John J. Cain	Kings	Brooklyn.
10..	Charles E. Fiske	Kings	Brooklyn.
11..	Joseph A. Gnider.....	Kings	Brooklyn.
12..	Frank J. Price	Kings	Brooklyn.
13..	George Siems.....	Kings	Brooklyn.
14..	Thomas P. Hawkins.....	Kings	Brooklyn.
15..	Charles Juengst.....	Kings	Brooklyn.
16..	Edward C. Brennan.....	Kings	Brooklyn.
17..	Harris Wilson.....	Kings	Brooklyn.
18..	Jacob D. Remsen.....	Kings	Brooklyn.
19..	Conrad Hasenflug.....	Kings	Brooklyn.
20..	William F. Delaney	Kings	Brooklyn.
21..	Joseph H. Adams.....	Kings	Brooklyn.
	John L. Smith	Lewis	Constableville.
	Otto Kelsey	Livingston.....	Geneseo.
	Robert J. Fish	Madison.....	Oneida.
1..	Merton E. Lewis	Monroe.....	Rochester.
2..	Adolph J. Rodenbeck.....	Monroe.....	Rochester.
3..	Richard Gardiner.....	Monroe.....	Rochester.
4..	Benjamin F. Gleason.....	Monroe.....	Brookport.
	Alphonso Walrath.....	Montgomery.....	Fort Plain.
1..	Michael Halpin	New York.....	New York.
2..	James A. Rierdon	New York.....	New York.
3..	Michael T. Sharkey	New York.....	New York.
4..	Patrik H. Roche.....	New York.....	New York.
5..	Nelson H. Henry	New York.....	New York.
6..	Timothy P. Sullivan.....	New York.....	New York.
7..	John F. Maher	New York.....	New York.
8..	Isidore Cohn.....	New York.....	New York.
9..	N. Taylor Phillips.....	New York.....	New York.
10..	Julius Harburger.....	New York.....	New York.
11..	John J. O'Connor	New York.....	New York.
12..	Leon Sanders	New York.....	New York.
13..	Patrik F. Trainor	New York.....	New York.
14..	Louis Meister	New York.....	New York.
15..	James E. Smith.....	New York.....	New York.
16..	Samuel Prince	New York.....	New York.
17..	James J. Fitzgerald.....	New York.....	New York.
18..	Charles P. Dillon.....	New York.....	New York.
19..	Perez M. Stewart.....	New York.....	New York.
20..	Henry C. Honeck.....	New York.....	New York.
21..	Edward H. Fallows.....	New York.....	New York.
22..	Joseph Baum	New York.....	New York.
23..	Maurice M. Minton.....	New York.....	New York.
24..	John B. Fitzgerald.....	New York.....	New York.
25..	John A. Weekes, jr.....	New York.....	New York.
26..	John J. O'Connell.....	New York.....	New York.
27..	Gherardi Davis.....	New York.....	New York.
28..	Joseph I. Green.....	New York.....	New York.
29..	Moses R. Ryttenberg.....	New York.....	New York.

LIST OF OFFICERS.

MEMBERS OF ASSEMBLY—(Concluded).

District.	NAME.	County.	Address.
30..	Samuel F. Hyman.....	New York.....	New York.
31..	Samuel S. Slater.....	New York.....	New York.
32..	John Poth, jr.....	New York.....	New York.
33..	John J. Egan.....	New York.....	New York.
34..	John J. Scanlon.....	New York.....	New York.
35..	William E. Morris.....	New York.....	New York.
1..	John T. Darrison.....	Niagara.....	Lockport.
2..	Jay S. Rowe.....	Niagara.....	Johnson's Creek.
1..	William J. Sullivan.....	Oneida.....	Utica.
2..	Louis M. Martin.....	Oneida.....	Clinton.
3..	Edward M. Marson.....	Oneida.....	Whitesboro.
1..	Edward V. Baker.....	Onondaga.....	Marcellus.
2..	William Herrick.....	Onondaga.....	Cicero.
3..	Abraham Z. Hyman.....	Onondaga.....	Syracuse.
4..	John T. Delaney.....	Onondaga.....	Syracuse.
	Jean L. Burnett.....	Ontario.....	Canandaigua.
1..	James G. Graham.....	Orange.....	Newburgh.
2..	Lewis Bedell.....	Orange.....	Goshen.
	William W. Phipps.....	Orleans.....	Albion.
1..	Thomas D. Lewis.....	Oswego.....	Fulton.
2..	Thomas M. Costello.....	Oswego.....	Altmar.
	Andrew R. Smith.....	Otsego.....	Springfield Center.
	William W. Everett.....	Putnam.....	Croton Falls.
1..	Charles C. Wissel.....	Queens.....	Evergreen, L. I.
2..	Cyrus B. Gale.....	Queens.....	Jamaica.
3..	George Wilbur Doughty.....	Queens.....	Inwood.
1..	Hugh Galbraith.....	Rensselaer.....	Troy.
2..	John F. Ahern.....	Rensselaer.....	Troy.
3..	Michael Russell.....	Rensselaer.....	Troy.
	George Metcalfe.....	Richmond.....	Great Kills.
	Frank P. Demarest.....	Rockland.....	West Nyack.
1..	Charles S. Plank.....	St. Lawrence.....	Waddington.
2..	Benjamin A. Babcock.....	St. Lawrence.....	Brasher Falls.
	George H. West.....	Saratoga.....	Ballston Spa.
	Andrew J. McMillan.....	Schenectady.....	South Schenectady.
	Daniel D. Frisbie.....	Schoharie.....	Middleburg.
	J. Franklin Barnes.....	Schoharie.....	Watkins.
	Israel Y. Larzelere.....	Seneca.....	Seneca Falls.
1..	Frank C. Platt.....	Stenben.....	Painted Post.
2..	Hyatt C. Hatch.....	Stenben.....	Atlanta.
1..	Joseph N. Hallock.....	Suffolk.....	Southold.
2..	Regis H. Post.....	Suffolk.....	Bayport.
	Edward R. Dunsberry.....	Sullivan.....	Liberty.
	Daniel P. Witter.....	Tioga.....	Berkshire.
	Benn Conger.....	Tompkins.....	Groton.
1..	Robert A. Snyder.....	Ulster.....	Saugerties.
2..	Thomas Snyder.....	Ulster.....	High Falls.
	Charles H. Hitchcock.....	Warren.....	Glens Falls.
	Samuel B. Irwin.....	Washington.....	West Hebron.
	Frederick W. Griffith.....	Wayne.....	Palmyra.
1..	John J. Sloane.....	Westchester.....	Yonkers.
2..	Alford W. Cooley.....	Westchester.....	Westchester.
3..	James K. Apgar.....	Westchester.....	Peekskill.
	Charles J. Gardner.....	Wyoming.....	Warsaw.
	Edward M. Sawyer.....	Yates.....	Dundee.

Speaker of the Assembly.

HON. S. FREDERICK NIXON..... Westfield.

Clerk of the Assembly.

ARCHIE E. BAXTER..... Elmira.

LAWS

OF THE

STATE OF NEW YORK.

PASSED AT THE ONE HUNDRED AND TWENTY-THIRD REGULAR SESSION OF THE LEGISLATURE, BEGUN THE THIRD DAY OF JANUARY, 1900, AND ENDED THE SIXTH DAY OF APRIL, 1900, AT THE CITY OF ALBANY.

Chap. 1.

AN ACT making appropriation for contingent expenses of the legislature.

Became a law January 16, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of twenty-seven thousand five hundred dollars is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, for advances by the comptroller to the clerks of the senate and assembly for contingent expenses and clerical services for the legislature, as may be approved on the part of the senate by the temporary president, and on the part of the assembly by the speaker thereof.

§ 2. This act shall take effect immediately.

Chap. 2.

AN ACT to legalize, ratify and confirm nominations of candidates for assembly to be voted for at a special election in the thirty-first assembly district of the county of New York on the twenty-third day of January, nineteen hundred.

Became a law January 16, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The nominations made by political parties in the thirty-first assembly district of the county of New York of candidates for member of assembly, to be voted for at a special election to be held in such district on the twenty-third day of January, nineteen hundred, are legalized, ratified and confirmed, notwithstanding any defects or irregularities in the proceedings by or in pursuance of which such nominations were made.

§ 2. This act shall take effect immediately.

Chap. 3.

AN ACT to legalize the special election of the village of Lima, county of Livingston, and state of New York, held for the purpose of voting upon the question of the construction of water works for said village, and to authorize such village to issue bonds for such construction.

Became a law January 24, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The special election of the village of Lima, in the county of Livingston, and state of New York, called by the board of trustees of said village and held upon the twenty-second day of September, eighteen hundred and ninety-nine, and all proceedings preliminary or subsequent thereto, at which election a proposition for the construction of water works for such village

Special
election
legalized.

at an expense altogether not to exceed twenty-three thousand dollars was submitted and adopted, are hereby legalized and in all things confirmed. The board of trustees of such village of Lima is hereby authorized to issue the bonds thereof pursuant to the provisions of the village law in an amount not to exceed twenty-three thousand dollars for the purpose of raising money to construct a system of water works in said village to be in accordance with the vote at said special election, the same as though all provisions of law relative to said election and the issuance of bonds by village including the form and contents of the notice of election and of the ballot used at said election had been strictly complied with. Issue of bonds authorized.

§ 2. This act shall take effect immediately.

Chap. 4.

AN ACT to incorporate the trustees of the Dodge Memorial Fund of Colgate University.

Became a law January 24, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Edward O. Carpenter, Gardner Colby and James C. Colgate, and such additional persons not exceeding four in number as they may associate with themselves, and their successors, are hereby constituted a body corporate by the name of "The Trustees of the Dodge Memorial Fund of Colgate University," and by that name shall have perpetual succession and the power to take by gift, purchase, devise or bequest real and personal property, and to hold and dispose of the same for the proper uses and purposes of such corporation. Corporators.

Corporate name and power.

§ 2. The object of such corporation shall be to receive, hold and dispose of such property as shall be given, devised or bequeathed to it or purchased by it, and especially to receive and hold a certain fund given by James B. Colgate for the use of Colgate University by an instrument in writing in the nature of a deed of trust bearing date the twenty-seventh day of April, one thousand eight hundred and ninety-one, made by and between the said Object of corporation.

James B. Colgate, as party of the first part, and Colgate University, as party of the second part, and the said Edward O. Carpenter, Gardner Colby and James C. Colgate, as parties of the third part, provided the said parties shall assent to the transfer of the said fund to the corporation hereby created, and to pay the income of all such property to the said Colgate University, to be used by it in founding and maintaining professorships and scholarships, and for all other purposes comprehended in the general objects authorized by its charter.

Managers
and
members.

§ 3. The property and affairs of the said corporation shall be managed by the original incorporators and such persons as they shall associate with themselves as prescribed by the first section of this act, and their successors to be chosen by them. The said original incorporators and their associates and their successors are hereinafter referred to as the members of such corporation.

Officers and
employes.

The said members of such corporation shall receive no compensation for their services, but they may from time to time select one of their own number to act as president of the corporation, and who may be paid as compensation for his services such reasonable sum as may be established in advance by a majority of the remaining members, and they may from time to time employ and at pleasure remove a secretary and such other employees as they may deem necessary for the due transaction of the business of the corporation. The said members may also adopt a corporate seal, and may make, and from time to time amend or rescind, by-laws regulating their own actions and prescribing the duties of their officers and employees, and the manner of transacting the affairs of the corporation. Unless it shall be otherwise prescribed by the said by-laws a majority of the whole number of members at any given time, shall constitute a quorum for the transaction of all business of the corporation. All vacancies in the membership of the corporation shall be filled by a vote of a majority of the remaining members. Any member of the said corporation may be removed by the unanimous vote of his associates, if such removal be approved by the said Colgate university.

Corporate
seal and
by-laws.

Quorum.

Vacancies
and
removals.

Application
of income.

§ 4. It shall be the duty of the corporation at the end of each year, or at the conclusion of such shorter period as the members may agree upon, after deducting from the income of the property held by it a sum sufficient to pay all expenses incident to the management of the corporation and such further sums as may be

necessary to create sinking funds sufficient to avoid loss upon any securities which may be purchased at a premium, to divide the residue of the income into two equal portions, and to pay one of said portions unto the said Colgate university. The other of said portions shall be accumulated and added to the principal of the property and funds of the said corporation. Provided, however, that no such accumulations shall, in any event, be made when the clear market value of the property of the said corporation shall exceed the sum of three millions of dollars. And it shall be the duty of the said corporation to pay the entire net annual income of its property to the said Colgate university, except when a portion thereof shall be accumulated as hereinbefore provided.

§ 5. The said corporation is authorized in the discretion of its members to retain any and all securities in which property given or bequeathed to it may be invested at the time of such gift or bequest; and it may, in the discretion of such members, invest its property in securities of the United States or of any one or more of the states composing the same, or in the securities issued by any municipal corporation within the United States, or in bonds, notes or other obligations secured by first mortgages of real estate, or in railroad bonds. And the said corporation may also invest in real estate provided that the purchase thereof shall first be approved by the unanimous vote of all of the members for the time being. The members of the said corporation shall not be liable for mistakes in judgment, nor shall any one of them be liable for the default or negligence of the others.

§ 6. The said corporation shall in each and every year render to the regents of the university of the state of New York and to Colgate university a just and true account of its proceedings, and of all moneys in its hands, or received by it, during the year, and of all expenditures made by it during the same period. It shall also, at least once in each year, and at such other reasonable times as either the regents of the university or the said Colgate university shall require, allow such persons as may be designated by the said regents or by the said university to count and examine the securities held by it, and to audit its accounts and to examine all of its books and papers. And in the event that any property of the said corporation shall be lost by the fraud or gross neglect of any of its members, officers or employees, and the said corporation shall neglect to bring action for the recovery

Retention
of securi-
ties.Investment
of property.Members
not liable.Annual
accounting.Examina-
tion of
securities.Actions for
recovery of
property.

Visitation
of supreme
court.

Inspection
of records,
etc.

Exemption
from
taxation.

thereof, any one of its members, or the president for the time being of Colgate university, upon obtaining leave of any justice of the supreme court may maintain an action for the recovery thereof in the name, and for the benefit, of the corporation hereby created. The said corporation shall also be subject to the visitation of the supreme court, or of any person appointed by the court for that purpose. All books, accounts, records and securities of the said corporation shall also be open at all reasonable times to the inspection of all persons who may have contributed to its funds.

§ 7. The property of the said corporation, and the devolution of all property bequeathed or devised to it or given in contemplation of death, or by a gift to take effect upon the death of the donor, shall be exempt from taxation.

§ 8. This act shall take effect immediately.

Chap. 5.

AN ACT providing for the payment of the balance due newspapers for the publication of the general laws of the state, for the year eighteen hundred and ninety-nine, and for deficiency in appropriation for the publication of the session laws, and the official canvass and official notices provided by law.

Became a law February 8, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation
for
payment to
news-
papers.

Session
laws and
official
notices.

Section 1. The sum of twenty-six thousand four hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, payable by the treasurer on the warrant of the comptroller, for the payment of the balance due newspapers in the various counties in this state, for the publication of the general laws of the state for the year eighteen hundred and ninety-nine, and the further sum of thirty thousand dollars, or so much thereof as may be necessary, is hereby appropriated for deficiency in appropriation for the publication of the session laws and the official canvass and official notices provided by law which are subjects of contract.

§ 2. This act shall take effect immediately.

Chap. 6.

AN ACT to amend chapter one hundred and eighty-five of the laws of eighteen hundred and ninety-eight, entitled "An act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of Wynkoop Hallenbeck Crawford Company against the state for printing done and materials furnished under concurrent resolutions of the senate and assembly, and for interest due upon said claim, and to render judgment therefor."

Became a law February 8, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The title of said act is hereby amended so as to read Title of act amended.
as follows:

An act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of Wynkoop Hallenbeck Crawford Company against the state for printing done and materials furnished under concurrent resolutions of the senate and assembly, passed during the years eighteen hundred and ninety-six and eighteen hundred and ninety-seven, and also for printing done and materials furnished under resolutions of the senate and assembly or either of them, passed during said years eighteen hundred and ninety-six and eighteen hundred and ninety-seven, and also for printing done and materials furnished under rules of said senate and assembly or either of them during said years eighteen hundred and ninety-six and eighteen hundred and ninety-seven, and also for printing done and materials furnished during said years eighteen hundred and ninety-six and eighteen hundred and ninety-seven for the state of New York, under the order and authority of the clerks of said senate and assembly or either of them, and also for the interest due upon certificates issued in payment of work theretofore done and also for interest due upon said claim and to render judgment therefor.

§ 2. Section one of said act is hereby amended so as to read as follows:

Section 1. Jurisdiction is hereby conferred upon the court of claims to hear, audit and determine the alleged claim of Wyn- Jurisdiction to hear claim.

koop Hallenbeck Crawford Company of New York against the state, for printing done and materials furnished under concurrent resolutions of the senate and assembly of the state of New York, passed during said years eighteen hundred and ninety-six and eighteen hundred and ninety-seven, and also for printing done and materials furnished under resolutions of the senate and assembly or either of them, passed during said years eighteen hundred and ninety-six and eighteen hundred and ninety-seven, and also for printing done and materials furnished under rules of said senate and assembly or either of them, during said years eighteen hundred and ninety-six and eighteen hundred and ninety-seven, and also for printing done and materials furnished during said years eighteen hundred and ninety-six and eighteen hundred and ninety-seven for the state of New York, under the order and authority of the clerks of said senate and assembly or either of them, and also for the interest due upon certificates heretofore issued in part payment for work theretofore done and also for interest due upon said claim and to make an award and render judgment therefor against the state and in favor of said claimant.

Award and
judgment.

§ 3. This act shall take effect immediately.

Chap. 7.

AN ACT to amend chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven entitled "An act to unite into one municipality under the corporate name of the city of New York the various communities lying in and about New York harbor including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond and part of the county of Queens, and to provide for the government thereof," relative to rapid transit.

Accepted by the city.

Became a law February 8, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty-five of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven en-

Charter
amended.

titled "An act to unite into one municipality under the corporate name of the city of New York the various communities lying in and about New York harbor including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond and part of the county of Queens, and to provide for the government thereof," is hereby amended so as to read as follows:

§ 45. The municipal assembly is authorized to grant from time to time to any corporation thereunto duly authorized, the franchise or right to construct and operate railways in, upon, over, under and along streets, avenues, parkways or highways of the city, but no such grant shall be made except upon the limitations and conditions of this act elsewhere provided in respect of the grant by the municipal assembly of franchises and rights in the streets, avenues, parkways and highways of the city. And further, to the end that cheap, easy and convenient intercourse may be had between all parts of the city, the city of New York, as hereby constituted, shall have full and exclusive power to establish, and full power to enjoy by leasing the same or otherwise, and to maintain and regulate ferries over all streams and waterways within or adjoining the limits of the said city. The municipal assembly may pass appropriate ordinances not inconsistent with law or with this act, or with the vested rights of existing companies or corporations, to enforce the provisions of this section and to carry out its purpose. Nothing in this act contained shall repeal or affect in any manner the provisions of the rapid transit acts applicable to the corporation heretofore known as the mayor, aldermen and commonalty of the city of New York, or any municipality herein united therewith or territory embraced therein, or to repeal or affect the existing general laws of the state in respect to street surface railroads. The consent or approval of the municipal assembly to or for the issue of corporate stock of the city of New York, as provided by section one hundred and sixty-nine of this act, shall not be necessary to authorize the comptroller to issue such stock for the purposes described in said chapter four of the laws of eighteen hundred and ninety-one as amended. The board of estimate and apportionment and the comptroller of the city of New York as hereby constituted shall, anything herein contained to the contrary notwithstanding, be

Franchises
for street
railways.

Ferries.

Ordinances.

Proviso as
to rapid
transit.

Issue of
corporate
stock of
city.

Requisition
for issue of
stock.

subject to all the duties and obligations prescribed in said chapter four of the laws of eighteen hundred and ninety-one as amended for the board of estimate and apportionment and comptroller therein mentioned. Upon the execution of any contract made pursuant to chapter four of the laws of eighteen hundred and ninety-one as amended, the board of rapid transit railroad commissioners may, in its discretion, make requisition upon the board of estimate and apportionment for the authorization of such corporate stock, either for such amounts from time to time as they shall deem the progress of the work to require, or for the full amount sufficient to pay the entire estimated expense of executing such contract. In case they shall make requisition for the entire amount, the comptroller shall endorse on the contract his certificate that funds are available for the entire contract whenever such stock shall have been authorized to be issued by said board of estimate and apportionment; and in such case such stock may be issued from time to time thereafter in such amounts as may be necessary to meet the requirements of such contract. The certificate by the comptroller, mentioned in section one hundred and forty-nine of this act, shall not be necessary to make such contract binding on the city of New York.

Certificate
of comp-
troller not
necessary.

§ 2. This act shall take effect immediately.

Chap. 8.

AN ACT to legalize the special elections of the taxable inhabitants of the village of Lansingburgh held for the purpose of authorizing the board of water commissioners of said village to borrow money and issue bonds for an additional water supply to said village and to legalize said bonds.

Became a law February 8, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Special
elections
legalized.

Section 1. The special elections of the taxable inhabitants of the village of Lansingburgh which were held under chapter three hundred and forty-seven of the laws of eighteen hundred and ninety-six and chapter eighty-nine of the laws of eighteen

hundred and ninety-eight, at each of which elections a proposition was submitted and adopted empowering the board of water commissioners of said village to borrow money upon the credit of the village for the purpose of supplying said village and the inhabitants thereof with pure and wholesome water and altering and extending the water works of said village, adding to the same, and acquiring the necessary rights and real estate therefor, are hereby legalized and shall be deemed as valid and binding as if the provisions of chapter three hundred and forty-seven of the laws of eighteen hundred and ninety-six and chapter eighty-nine of the laws of eighteen hundred and ninety-eight and the charter of said village had been complied with in all respects. All the acts and proceedings of the board of water commissioners of said village based upon the propositions so adopted are hereby legalized and confirmed and the bonds of said village heretofore issued thereunder are hereby validated and legalized.

Acts, etc.,
confirmed

§ 2. This act shall take effect immediately.

Chap. 9.

AN ACT to authorize the board of water commissioners of the village of Lansingburgh to borrow twenty thousand dollars on the credit of said village for additional water supply and to issue bonds therefor.

Became a law February 8, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of water commissioners of the village of Lansingburgh, in the county of Rensselaer, shall have power to borrow upon the credit of said village the sum of twenty thousand dollars, or so much thereof as the said commissioners shall deem necessary, in addition to the amounts authorized by chapter three hundred and forty-seven of the laws of eighteen hundred and ninety-six and chapter eighty-nine of the laws of eighteen hundred and ninety-eight, upon such terms of credit not less than twenty nor more than fifty years as said commissioners shall deter-

Board may
borrow
money.

Issue and
sale of
bonds.

minate and at a rate of interest not exceeding five per centum per annum, and to secure said loan, the said board of water commissioners are authorized to issue bonds of said village signed by the chairman and secretary of said board and countersigned by the clerk of said village who shall attach thereto the corporate seal, which bonds shall be made of amounts not more than one thousand dollars each and shall be sold to the highest bidder, but no bonds shall be sold for less than par. The time and place for offering said bonds for sale shall be advertised at least ten days prior to said sale in one or more newspapers published in said village and in two daily newspapers published in the city of Troy. The money so borrowed shall be appropriated by the said commissioners for the purpose of supplying said village and the inhabitants thereof with pure and wholesome water and altering and extending the water works of said village, adding to the same and acquiring the necessary rights and real estate therefor.

Application
of proceeds.

§ 2. This act shall take effect immediately.

Chap. 10.

AN ACT relating to the superintendent of the poor of Montgomery county and specifying his powers as keeper of the county almshouse and farm.

Became a law February 8, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Powers, etc.
as keeper of
almshouse
and farm.

Section 1. The superintendent of the poor of Montgomery county shall reside at the poor house and shall be keeper of the county almshouse and farm of such county, during his term of office as such superintendent. He shall receive as such keeper, in addition to his fees as superintendent of the poor, an annual compensation of eight hundred dollars. He shall be entitled to board for himself and family. He may employ a matron at a compensation of not to exceed four dollars per week, one additional female assistant at not to exceed four dollars per week and such other help as he may deem necessary.

§ 2. The superintendent of the poor in office when this chapter takes effect, and the superintendents hereafter elected or appointed shall purchase the necessary furniture and equipment for the county farm and almshouse recently purchased and constructed for such county and also purchase necessary implements and stock for said farm, food and material for the maintenance of the poor in such almshouse and use the income of said farm for the support of such poor and sell and dispose of the proceeds of said farm not necessary for the support of the inmates of said almshouse. Such superintendent shall make an itemized estimate in duplicate of the furniture, equipment, implements, stock and supplies required for the use of the county almshouse and farm, showing the amount required for each item; each of such duplicates shall be signed by him and one shall be filed in his office and be open to public inspection and one shall be transmitted to the clerk of the board of supervisors.

Purchase of
furniture
and equip-
ment.

Sale of pro-
ceeds of
farm.

Itemized
estimates

The board of supervisors shall cause the total amount called for by such estimates to be assessed, levied and collected in the same manner as other contingent expenses of the county, to be paid to the county treasurer and to be by him kept as a separate fund. The superintendent of the poor shall pay for the furniture and equipment purchased by him as above provided, by his order upon the county treasurer, to be paid from the fund so raised.

Tax
therefor.

Payments
for furni-
ture, etc.

§ 3. No superintendent of the poor of the county of Montgomery shall be directly or indirectly interested in any goods, wares or merchandise, provisions, clothing or any other article or thing whatsoever furnished, ordered or contracted for by him for the use of or at the poor house for the poor therein.

Superin-
tendent not
to be inter-
ested.

§ 4. Except as otherwise provided in this act, the provisions of the poor law and of other general laws apply to the superintendent of the poor of Montgomery county and the county almshouse and farm of such county.

General
laws appli-
cable.

§ 5. This act shall take effect immediately.

Chap. 11.

AN ACT to amend chapter one hundred and seventy-six of the laws of eighteen hundred and ninety-eight, entitled "An act to provide for the representation of the state of New York at the Universal Exposition of Works of Art and Industrial and Agricultural Products, to be held at Paris in the year nineteen hundred."

Became a law February 9, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Section four of chapter one hundred and seventy-six of the laws of eighteen hundred and ninety-eight, as amended by chapter five hundred and fifty-three of the laws of eighteen hundred and ninety-nine, is hereby further amended to read as follows:

Secretary.

§ 4. The said commission may, whenever necessary for a proper performance of the duties imposed by this act, appoint a secretary at a compensation to be fixed by it, not exceeding in the aggregate for all services to be performed in carrying out the provisions of this act, the sum of five thousand dollars. The expenditures to be incurred under the provisions of this act, shall not exceed the sum of forty thousand dollars, except as hereinafter provided. For the purpose of paying such expenditures, the said sum of forty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the moneys in the treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of said act and defraying the expenditures thereunder; the said sum, or so much thereof as may be necessary, to be paid, except as hereinafter provided, by the state treasurer, upon the warrant of the comptroller, issued upon the requisition of the commission, signed by its president and secretary, accompanied by estimates of the expenses for the payment of which the money so drawn is to be applied. And the further sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of defraying the expenses of properly representing New York's educational interests at the said ex-

Expenditures limited.

Appropriation for expenses.

For educational exhibit.

position; said sum to be payable by the state treasurer, upon the warrant of the comptroller upon bills audited by the director of education for the United States commission to the said exposition. The further sum of ten thousand dollars is hereby appropriated on behalf of the state of New York, to the United States commission to the Paris exposition of nineteen hundred, for the benefit of the Lafayette memorial fund, to be used in the erection of a suitable monument to be presented by the people of the United States to the French nation; payable by the state treasurer, upon the warrant of the comptroller, to Ferdinand W. Peck, as commissioner-general of the said United States commission. No expense in excess of the appropriation herein made shall be incurred by said commission or any member thereof.

For Lafayette memorial fund.

§ 2. This act shall take effect immediately.

Chap. 12.

AN ACT to amend the county law, in relation to towns borrowing money for highways and bridges.

Became a law February 13, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixty-nine of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two, entitled "An act in relation to counties, constituting chapter eighteen of the general laws," is hereby amended to read as follows:

§ 69. Authorizing towns to borrow money.—The board may, upon the application of any town liable or to be made liable to taxation, in whole or in part, for constructing, building, repairing or discontinuing any highway or bridge therein or upon its borders, pursuant to a vote of a majority of the electors of any such town, at an annual town meeting, or special town meeting, called for that purpose, or upon the written request of the commissioners of highways and town board of such town, or towns, authorize such town or towns to construct, build, repair, or discontinue such highway or bridge, and if such town is within a county adjoining a city of the first class, authorize said town to build,

construct and repair a public dock or bulkhead within its boundaries and to borrow such sums of money for, and on the credit of such town or towns, as may be necessary for said purposes, to lay out, widen, grade, discontinue or macadamize such highway, or to purchase for public use, any plank road, turnpike, tollroad or tollbridge in such town or towns, and may authorize the company owning the same, to sell the same or any part thereof, or the franchises thereof, or to pay any debt incurred in good faith, by or in behalf of such town or towns for such purposes. If such highway or bridge shall be situated in two or more towns in the same county, the board shall apportion the expenses among such towns in such proportions as shall be just.

§ 2. This act shall take effect immediately.

Chap. 13.

AN ACT to amend the code of civil procedure in relation to the salary of stenographers.

Became a law February 13, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Code
amended.

Section 1. Section three hundred and sixty-one of the code of civil procedure is hereby amended, so as to read as follows:

Stenogra-
phers for
county
courts in
certain
counties.

§ 361. The county judge in either of the counties of Livingston, Niagara, Monroe, Onondaga, Oswego or Cortland, where issues of fact are triable, may employ a stenographer to take stenographic notes upon trials thereat, who is entitled to a compensation, to be certified by the judge, not exceeding ten dollars for each day's attendance at the request of the judge. The stenographer's compensation is a charge upon the county, and in the county of Livingston must be audited allowed and paid as other county charges; and in the counties of Onondaga, Monroe, Niagara, Oswego and Cortland must be paid by the county treasurer, on an order of the court, granted on the affidavit of the stenographer, and the certificate of the judge that the services were rendered. The county judge of Erie county and the county judge of Oneida county, may each appoint and may at pleasure remove a stenog-

In Erie and
Oneida
counties.

rapher of said court, who must attend each term of the said court where issues of fact in civil and criminal cases are triable, and the said stenographer of the county court of Erie county shall receive a salary of twenty-one hundred dollars per annum, together with his necessary expenses for stationery, to be paid by the treasurer of the said county of Erie, in equal monthly installments on the certificate of said judge of Erie county that the services have been actually performed, or the expenses necessarily incurred, and the said stenographer of the county court of Oneida county shall receive a salary of fifteen hundred dollars per annum, together with his necessary expenses for stationery, to be paid by the treasurer of the said county of Oneida, in equal monthly installments on the certificate of the said judge of Oneida county that the services have been actually performed or the expenses necessarily incurred. Said stenographers shall also report and transcribe opinions for the said county judges as well as special proceedings where a stenographer is required, without additional compensation.

To report
and transcribe
opinions,
etc.

§ 2. This act shall take effect September first, nineteen hundred.

Chap. 14.

AN ACT to provide for the equipping, fitting up and changing of the east extension, and other parts, of the building in the Central park, in the city of New York, borough of Manhattan, occupied by "The Metropolitan Museum of Art."

Accepted by the city.

Became a law February 18, 1900, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The department of parks in the city of New York, borough of Manhattan, when the board of estimate and apportionment, in the exercise of its discretion, has consented and concurred, is hereby authorized to fit up, equip and furnish the east extension of the building in the city of New York, borough of Manhattan, occupied by "The Metropolitan Museum of Art," and

Authority
to fit up,
etc., portion
of building.

make additions to and changes in the building now occupied by "The Metropolitan Museum of Art" in the Central park, and its fittings, equipment and furniture, all in accordance with plans made by the trustees of the said museum, and duly approved by the commissioners of said department of parks, at an expense not exceeding two hundred thousand dollars.

Issue and
sale of cor-
porate
stock.

§ 2. For the purpose of providing means of carrying into effect the provisions of this act, it shall be the duty of the comptroller, upon being thereunto authorized by the board of estimate and apportionment, to issue and sell corporate stock of the city of New York, in the manner now provided by law, to an amount not exceeding in the aggregate the sum of two hundred thousand dollars.

§ 3. This act shall take effect immediately.

Chap. 15.

AN ACT appropriating the unexpended balance appropriated by chapter four hundred and ninety-five of the laws of eighteen hundred and ninety-nine, and authorizing the same to be expended by the superintendent of public works.

Became a law February 14, 1900, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Reappropri-
ation for
expenses of
committee.

Section 1. The sum of eleven thousand five hundred and fifty-two dollars and sixty-five cents, or so much thereof as may be necessary, being the unexpended balance of twenty thousand dollars appropriated by chapter four hundred and ninety-five of the laws of eighteen hundred and ninety-nine, or so much thereof as may be necessary, is hereby reappropriated for the superintendent of public works, for defraying the necessary expenses of a committee appointed by the governor on March eight, eighteen hundred and ninety-nine.

§ 2. This act shall take effect immediately.

Chap. 16.

AN ACT making an additional appropriation for rebuilding the existing bridge over the Erie canal at Chapel street in the city of Lockport.

Became a law February 14, 1900, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of eight thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, payable by the treasurer on the warrant of the comptroller to the order of the superintendent of public works, in addition to the sum of sixteen thousand dollars appropriated by chapter five hundred and seventy-three of the laws of eighteen hundred and ninety-nine, to be used in rebuilding the existing bridge over the Erie canal at Chapel street in the city of Lockport.

§ 2. This act shall take effect immediately.

Chap. 17.

AN ACT to provide for the payment of arrears of salary and unpaid salaries of teachers and other employees of the school boards of the boroughs of Queens and Richmond in the city of New York.

Accepted by the city.

Became a law February 15, 1900, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. For the purpose of providing for the payment of all arrears of salary and all unpaid salaries of all licensed teachers and other employees of the school boards for the boroughs of Queens and Richmond in the city of New York, who performed services in said boroughs in and during the year eighteen hundred and ninety-nine, the board of estimate and apportionment of the city of New York is hereby empowered and directed to trans-

Transfer of
balances of
special
school fund

fer to the respective general school funds of said boroughs from the unexpended balances of the special school fund appropriated to the board of education for the year eighteen hundred and ninety-nine, a sum sufficient to pay all said arrears of salary and unpaid salaries as in this act provided.

Issue of
revenue
bonds for
deficiency.

§ 2. If the unexpended balances aforesaid shall not be sufficient to pay said arrears of salary and unpaid salaries, said board of estimate and apportionment is hereby authorized and required to direct the issue of revenue bonds in an amount sufficient to make up any deficiency not provided for by the transfer of said unexpended balances as aforesaid.

Payment of
salaries.

§ 3. From such unexpended balances, and, if necessary, from the proceeds of the sale of revenue bonds as aforesaid the comptroller of the city of New York is hereby directed to pay said arrears of salary and unpaid salaries. The rates of salary to be paid to such teachers and other employees and the pay rolls of such teachers and other employees shall be certified to the comptroller of the city of New York in the manner prescribed by law, and said rates of salaries shall not be less than the salaries paid to such teachers and employees for the month of September, eighteen hundred and ninety-nine, nor less than the rates of salary and salaries prescribed by chapter four hundred and seventeen of the laws of eighteen hundred and ninety-nine.

Repeal.

§ 4. All acts and parts of acts inconsistent herewith are hereby repealed, so far as the same may affect the operation of this act.

§ 5. This act shall take effect immediately.

Chap. 18.

AN ACT releasing to Sherburne union free school of the town of Sherburne all of the title of the state of New York in and to certain lands.

Became a law February 15, 1900, with the approval of the Governor.
Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Release of
State's
interest in
certain
land.

Section 1. All of that part of the state embankment erected at the time of the construction of the Chenango canal for the purpose of turning Mad brook from its natural course, and which

said embankment was repaired and rebuilt by the state in eighteen hundred and ninety-two under authority of chapter three hundred and seventy-five laws of eighteen hundred and eighty-eight as amended by chapter two hundred and forty-nine laws of eighteen hundred and ninety-two; commencing at Chapel street in the village of Sherburne and running thence in a southerly direction as said embankment is laid out, as far as the division line between lands formerly owned by Devillo White and Hollis Rowland is hereby granted and released to Sherburne union free school district of the town of Sherburne so far as the state of New York has any title or interest in and to the same. This grant and release covers said embankment and the ground on which it is built from the eastern foot thereof to the western foot thereof.

§ 2. In consideration of this grant and release it shall be the duty of said union free school district to maintain said embankment so far as the same is granted, and released to it. Consideration.

§ 3. This act shall take effect immediately.

Chap. 19.

AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of Sarah M. Holcomb against the state for damages alleged to have been sustained by her and to render judgment therefor.

Became a law February 15, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Jurisdiction is hereby conferred upon the court of claims to hear, audit and determine the alleged claim of Sarah M. Holcomb, of the county of Delaware, against the state, for damages alleged to have been sustained by her, if any, for loss of title to lot number eighty-five in great lot three of the Ray tract, situate in the county of Delaware, by reason of the alleged lack of jurisdiction on the part of the comptroller to sell said lands for taxes, as appears by judgment of ejectment rendered against said Sarah M. Holcomb, in the supreme court of the state of New York, entered in the county of Delaware in March, eighteen hundred and ninety-six, and to render such award thereon as may be just. Jurisdiction to hear claim.

Award or
judgment.

§ 2. No award shall be made or judgment rendered herein in favor of claimant and against the state, unless the facts proved shall make out a case against the state, which would create a liability, were the same established in evidence in a court of law or equity against an individual or corporation and in case such liability shall be satisfactorily established, then the court of claims shall award to and render judgment for the claimant for such sum as shall be just and equitable, notwithstanding the lapse of time since the accruing of such damages, provided the claim hereunder is filed within one year after the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 20.

AN ACT for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws.

Became a law February 19, 1900, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

CHAPTER THIRTY-ONE OF THE GENERAL LAWS.

PART I.

- Article 1. Quadrupeds. (§§ 1-19.)
 2. Birds. (§§ 20-39.)
 3. Fish, general provisions. (§§ 40-69.)
 4. Fish, local provisions. (§§ 70-99.)
 5. Long Island. (§§ 100-119.)
 6. Shell fish. (§§ 120-139.)
 7. Definitions and construction. (§§ 140-141.)

PART II.

- Article 8. Forest, fish and game commission. (§§ 150-163.)
 9. Game protectors. (§§ 170-179.)
 10. Prosecutions. (§§ 185-193.)
 11. Private parks. (§§ 200-204.)
 12. Fishways. (§§ 208-211.)
 13. Forests and public parks. (§§ 216-232.)

ARTICLE I.

QUADRUPEDS.

Section 1. Short title.

2. Deer, close season.
3. Deer, close season, special.
4. Possession of deer or venison.
5. Fawns.
6. Traps and lights.
7. Crusting and yarding.
8. Transportation.
9. Hounding, dogs to be killed.
10. Hounding, dogs to be killed, special.
11. Wild moose, elk, caribou and antelope.
12. Black and gray squirrels.
13. Hares and rabbits.
14. Beaver.
15. Mink, skunk, muskrat and foxes.
19. Penalties.

Section 1. Short title.—This act shall be known as the forest, fish and game law.

§ 2. Deer, close season.—The close season for wild deer shall be from November sixteenth to August fourteenth, both inclusive. No person shall take more than two deer in an open season. An owner may retake alive, deer which have escaped from his possession. Deer may be taken alive at any time by the commission to restock the state's deer parks.

§ 3. Deer, close season, special.—There shall be no open season for wild deer in the counties of Ulster, Greene, Sullivan and Delaware before the year nineteen hundred and two.

§ 4. Possession of deer or venison.—Wild deer or venison shall not be possessed or sold from November twenty-first to August fourteenth, both inclusive. Possession thereof from the sixteenth to the twentieth of November shall be presumptive evidence that the same was unlawfully taken by the possessor.

§ 5. Fawns.—Fawns shall not be taken nor shall any part thereof be possessed at any time.

§ 6. Traps and lights.—No traps, salt lick or other device to entrap or entice deer shall be made, set or used, nor shall deer

be taken by aid or use thereof. No jack-light or other artificial light shall be used in taking deer before August fifteenth, nineteen hundred and two.

§ 7. Crusting and yarding.—Deer shall not be taken by crusting (so called) or while they are yarded.

§ 8. Transportation.—Deer or venison killed in this state shall not be transported from or through any county, or possessed for that purpose, except as follows: One carcass or a part thereof may be transported from the county where killed when accompanied by the owner. No person shall transport or accompany more than two deer in any year under this section. Possession of deer or venison by a common carrier, or by any person in its employ while engaged in the business of such common carrier, unaccompanied by the owner shall constitute a violation of this section by such common carrier. This section does not apply to the head, feet or skin of deer if carried separately.

§ 9. Hounding, dogs to be killed.—Deer shall not be hunted, pursued or killed with any dog or bitch before August fifteenth nineteen hundred and two. Dogs that are trained to or will pursue deer, shall not be permitted by the owner or person harboring the same to run at large in or to be taken into forest inhabited by deer before said date. If any such dog or bitch be found hunting, pursuing or killing deer or running at large in forests inhabited by deer, it shall be presumptive evidence of a violation of this section by the person owning, using, having or harboring such dog or bitch. Any person may, and it is the duty of every game protector to kill a dog or bitch found in a deer forest, and no action for damage shall be maintained against a person for such killing.

§ 10. Hounding, dogs to be killed, special.—The provisions of section nine shall apply to the towns of Dresden and Putnam in the county of Washington until the year nineteen hundred and seven instead of nineteen hundred and two as in said section provided.

§ 11. Wild moose, elk, caribou and antelope.—There shall be no open season for wild moose, elk, caribou or antelope, but they may be brought into the state for breeding purposes. The flesh of any such animal shall not be possessed or sold during the close season for deer or during the open season for deer unless the animal was killed without the state or by the owner thereof

in a private park within the state during the open season for deer. Possession thereof during such open season shall be presumptive evidence that it was unlawfully taken by the possessor.

§ 12. **Black and gray squirrels.**—The close season for black and gray squirrels shall be from December sixteenth to August thirty-first, both inclusive.

§ 13. **Hares and rabbits.**—The close season for hares and rabbits shall be, in the counties of Livingston, Wyoming, Erie, Sullivan, Oneida, Orange, Schoharie, Montgomery, Fulton, Hamilton, Albany, Greene, Ulster and Columbia, from December sixteenth to September first, both inclusive. Hares and rabbits shall not be hunted with ferrets in any county where there is a close season. Nothing in this section shall prevent the owner of inclosed or occupied farm lands from taking hares and rabbits on his own premises at any time to prevent their injuring his property.

§ 14. **Beaver.**—There shall be no open season for beaver.

§ 15. **Mink, skunk, muskrat and foxes.**—The close season for mink, skunk and muskrat in the counties of Cattaraugus, Oneida, Madison, Otsego, Wayne, Cayuga, Livingston, Jefferson, Chemung, Chenango and Wyoming shall be from May first to October thirty-first, both inclusive. Muskrat houses shall not be injured or destroyed at any time. The close season for foxes in said counties, except Cayuga, shall be from May first to September thirtieth, both inclusive. The provisions of this section do not apply to the acts of an owner or possessor of lands thereon, or to the territory of a city or incorporated village.

§ 16. **Penalties.**—A person who violates any provision of this article is guilty of a misdemeanor, and in addition thereto, is liable as follows: For each violation of sections one to eleven, both inclusive, to a penalty of one hundred dollars, and for each deer, wild moose, elk, caribou, antelope or part of any such animal taken or possessed in violation of any provision of any of said sections, an additional penalty of one hundred dollars; for each violation of section twelve, to a penalty of twenty-five dollars, and for each squirrel or part thereof taken or possessed in violation of said section, an additional penalty of ten dollars; for each violation of section thirteen, a penalty of twenty-five dollars, and for each rabbit taken or possessed in violation of such section, an additional penalty of ten dollars;

for each beaver taken in violation of section fourteen to a penalty of fifty dollars, and for each violation of section fifteen, to a penalty of twenty-five dollars.

ARTICLE II.

BIRDS.

Section 20. Wild fowl; close season.

21. Manner of killing.

22. Quail; close season.

23. Woodcock; close season.

24. Woodcock; close season, special.

25. Grouse; close season.

26. Grouse, close season; special.

27. Grouse, woodcock and quail, Rensselaer.

28. Woodcock, grouse and quail, not to be possessed.

29. Woodcock, grouse and quail, not to be transported.

30. Plover and other birds, close season.

31. Mongolian ring-necked pheasants.

32. Antwerp or homing pigeons.

33. Certain wild birds protected.

34. Destroying or robbing nests.

35. No snares, nets or traps.

36. Certificate to collect for scientific purposes.

37. Taking game in Westchester county.

39. Penalties.

Section 20. Wild fowl; close season.—Web-footed wild fowl shall not be taken or possessed from April thirtieth to August thirty-first, both inclusive; or taken in the night from an hour after sunset until an hour before sunrise.

§ 21. **Manner of killing.**—Web-footed wild fowl shall not be taken except with a gun fired at arm's length without rest. They shall not be fired at from a boat propelled otherwise than by hand or from any boughouse or floating device used to conceal the hunter if more than fifty feet from shore, or a natural growth of grass or flags. Fowl taken in violation of law shall not be brought ashore, sold or possessed.

§ 22. **Quail; close season.**—The close season for quail shall be from December sixteenth to October thirty-first, both inclusive. There shall be no open season for quail in the counties of

Genesee and Montgomery prior to the year nineteen hundred and three.

§ 23. Woodcock, close season.—Woodcock shall not be taken from December sixteenth to August thirty-first, both inclusive. No person shall take more than thirty-six woodcock in an open season.

§ 24. Woodcock, close season, special.—Woodcock shall not be taken in the county of Oneida from November sixteenth to August thirty-first, both inclusive; in the county of Ulster from December sixteenth to September thirtieth, both inclusive; in the counties of Clinton, Essex, Warren, Hamilton and Fulton from December sixteenth to August fifteenth, both inclusive; in the county of Richmond from January first to July third, both inclusive.

§ 25. Grouse, close season.—The close season for grouse shall be from December sixteenth to August thirty-first, both inclusive. No person shall take more than thirty-six grouse in an open season.

§ 26. Grouse, close season, special.—Grouse shall not be taken in the county of Oneida from November sixteenth to August thirty-first, both inclusive, or in the county of Ulster from December sixteenth to September thirtieth, both inclusive.

§ 27. Grouse, woodcock and quail, Rensselaer.—There shall be no open season for woodcock, grouse or quail in the county of Rensselaer prior to the year nineteen hundred and three.

§ 28. Woodcock, grouse and quail, not to be possessed.—Woodcock, grouse and quail shall not be sold or possessed during the close season, except in the month of December, and possession or sale thereof during the last fifteen days of December shall be presumptive evidence that they were unlawfully taken by the possessor.

§ 29. Woodcock, grouse and quail, not to be transported.—Woodcock, grouse and quail shall not be transported within this state or into the state from a point without the state less than twenty-five miles from the state line, unless accompanied by the actual owner thereof, and no person shall transport or accompany more than thirty-six grouse or thirty-six woodcock in any calendar year, or more than twelve of either kind at one time. Possession thereof by a common carrier, or employee thereof, at the time actually engaged in the business of such common carrier, unac-

accompanied by the actual owner thereof, shall constitute a violation of this section by such employee and common carrier. No common carrier or person in its employ shall transport such birds as owner.

§ 30. **Plover and other birds, close season.**—The close season for Wilsons, (called English snipe,) plover, rail, mud-hen, gallinule, grebe, bittern, surf-bird curlew, water-chicken, bay snipe or shore bird, shall be from May first to August thirty-first, both inclusive.

§ 31. **Mongolian ring-necked pheasants.**—There shall be no open season for Mongolian ring-necked pheasants, nor shall the same be killed and possessed, except in the county of Suffolk, prior to the year nineteen hundred and five. Such pheasants shall not be taken or possessed in the county of Suffolk from February first to September thirtieth, both inclusive.

§ 32. **Antwerp or homing pigeons.**—No person shall take or interfere with any Antwerp or homing pigeon if it have the name of its owner stamped upon its wing or tail, or wear a ring or seamless leg band with its registered number stamped thereon, or have any other distinguishing mark; nor shall any person remove any such distinguishing mark from any such pigeon.

§ 33. **Certain wild birds protected.**—Wild birds other than the English sparrow, crow, hawk, crane, raven, crow-blackbird, common blackbird and kingfisher, shall not be taken or possessed at any time, dead or alive, except under the authority of a certificate issued under this act.

§ 34. **Destroying or robbing nests.**—Nests of wild birds other than the English sparrow, hawk, crane, crow, raven, crow-blackbird, common blackbird or kingfisher, shall not be robbed or wilfully destroyed except when necessary to protect buildings or prevent their defacement.

§ 35. **No snares, nets or traps.**—No bird for which a close season is provided, shall be trapped, netted or snared, or if so taken possessed. No net, trap or snare for taking grouse or quail, shall be set, placed or used where such birds can be taken. Any such net, trap or snare is declared to be a public nuisance, and may be summarily abated and destroyed by any person, and it is the duty of every protector to seize and destroy any such device.

§ 36. Certificate to collect for scientific purposes.—A certificate may be issued by any society of natural history incorporated in the state or by the regents of the university, to any person upwards of eighteen years of age, permitting the holder thereof to collect birds, birds' nests or eggs for scientific purposes. Before such certificate is issued, the applicant must file written testimonials from two well-known scientific men certifying to his good character and fitness to be entrusted with the privilege. Every applicant, except an officer of the New York State Museum, must pay one dollar for the expense of issuing the certificate, and must file a bond in the penal sum of two hundred dollars with two responsible and approved sureties, conditioned that he will not violate the provisions of this act, or avail himself of the privileges of said certificate for other than scientific purposes. Such a certificate shall be in force for one year only from the date of issue and shall not be transferable.

§ 37. Taking game in Westchester county.—Game shall not be taken in a public highway, or on the lands of a railway or lands purchased or condemned for the Croton aqueduct within the county of Westchester.

§ 39. Penalties.—A person who violates any provision of this article is guilty of a misdemeanor, and is liable to a penalty of sixty dollars and to an additional penalty of twenty-five dollars for each bird taken or possessed in violation thereof.

ARTICLE III.

FISH, GENERAL PROVISIONS.

Section 40. Trout, close season.

41. Trout, close season, special.
42. Trout, not disturbed while spawning.
43. Waters inhabited by trout.
44. Lake trout, close season.
45. Black bass, close season, size and catch.
46. Black bass, special.
47. Pickerel and pike.
48. Muskallonge, close season.
49. Salmon.
50. Saltwater striped bass.
51. No fishing near fishways.
52. Polluting streams.

Section 53. Pollution of water used by state fish hatcheries.

54. Drawing off water forbidden.
55. Streams not to be obstructed.
56. Explosives prohibited.
57. Waters not stocked from streams.
58. No fishing through ice.
59. Exceptions to last section.
60. Certain fish not to be transported.
61. Eel weirs and eel pots.
62. Taking minnows for bait.
63. Fish taken by angling, meshes of nets.
64. Frost fish and white fish taken with nets.
65. Nets to be licensed.
66. Thumping.
69. Penalties.

Section 40. Trout, close season.—The close season for trout shall be from September first to April fifteenth both inclusive. Trout shall not be sold or possessed in any county during the season that is closed throughout the entire county, except as provided in section one hundred and nine. Trout less than six inches in length shall not be taken or possessed, and if taken shall without avoidable injury be immediately returned to the waters where taken.

§ 41. **Trout, close season, special.**—The close season for trout in Spring Brook creek in the counties of Monroe and Livingston, shall be from September first to March twenty-eighth, both inclusive; in the brooks in the towns of Gilboa and Conesville, Schoharie county, except the Schoharie river, from August first to April thirtieth, both inclusive.

§ 42. **Trout not disturbed while spawning.**—Trout and lake trout on spawning beds in the close season, shall not be willfully disturbed, nor shall their spawn or milt be taken from the spawning beds.

§ 43. **Waters inhabited by trout.**—Fish shall not be taken in fresh waters inhabited by trout, except by angling.

§ 44. **Lake trout, close season.**—The close season for lake trout shall be from October first to April thirtieth, both inclusive, except in lakes Erie and Ontario, where there shall be no close season; and except in the counties of Dutchess, Ulster,

Sullivan, Orange, Rockland, Putnam, Westchester and Richmond, where the close season shall be from July first to March thirty-first, both inclusive. Lake trout less than fifteen inches in length shall not be intentionally taken or possessed, and if taken, shall, without avoidable injury, be returned to the waters where taken.

§ 45. **Black bass, close season, size and catch.**—The close season for black bass shall be from January first to June fifteenth, both inclusive. Black bass less than ten inches in length shall not be intentionally taken, and if taken, shall without injury be immediately returned to the waters where taken. No person shall take more than twenty-four black bass in one day. Whenever two or more persons are angling from the same boat, they shall not take more than thirty-six bass in one day. Black bass shall not be possessed in any county during the season that is closed throughout the entire county, or when they are unlawfully taken.

§ 46. **Black bass, special.**—The close season for black bass shall be in the Saint Lawrence river and in waters in Jefferson county from January first to June ninth, both inclusive; in Lake George and Schroon lake from December sixteenth to July thirty-first, both inclusive; in Salmon river in the town of Fort Covington between the Canada line and a dam on said river known as A. Wright or the Fort Covington Milling Company's dam in the village of Fort Covington and in the Saint Regis river in the town of Bombay, in Franklin county, between the Canada line and a dam in the village of Hogansburg known as the Mill's and Lantry dam, from November fifteenth to May first, both inclusive. Black bass shall not be taken from the waters of Orange lake in Orange county in the night from one hour after sunset until one hour before sunrise. No person shall take more than twelve black bass in the Saint Lawrence river in one day, and whenever two or more persons are angling from the same boat, they shall not take more than twenty-four bass in one day.

§ 47. **Pickerel and pike.**—Pickerel and pike shall not be taken or possessed from March first to April thirtieth, both inclusive, provided that during the close season any person may buy, possess or sell pickerel or pike taken without the state if such person shall have a license from the commission so to do,

issued after giving a bond to the people of the state, approved by the commission, conditioned for the payment of the sum of five hundred dollars if such person shall while the license is in force, buy, possess or sell any pickerel or pike taken within the state, or shall at any time refuse or deny to the commission or any member or officer thereof, a full examination of his books and papers relating to the purchase and sale of fish, or shall at any time when required by the commission, fail to furnish the original invoice or invoices, freight or express receipts used in the transportation thereof upon delivery to such person; and provided further that any person purchasing during the close season of a dealer giving such bond, may possess the same. The commission may permit the taking or destruction of pickerel at any time in waters inhabited by trout.

§ 48. Muskallonge, close season.—Muskallonge shall not be taken or possessed from March first to May thirtieth, both inclusive, except as provided in section eighty-three.

§ 49. Salmon.—Salmon shall not be taken or if taken in this state possessed from August fifteenth to March first, both inclusive.

§ 50. Salt water striped bass.—Salt water striped bass less than eight inches in length shall not be intentionally taken at any time. Striped bass shall not be intentionally taken from the Hudson river by a net between March thirty-first and July first, both inclusive. If taken in either case, the same shall be immediately returned to the water where taken without avoidable injury.

§ 51. No fishing near fishways.—The commission shall maintain fifty rods from every fishway erected by the state in public waters on both sides of the stream above and below the fishway, sign boards containing substantially the following notice: "Fifty rods to the fishway; all persons are prohibited by law from fishing in this stream between this point and the fishway." No person shall take fish within fifty rods of any such fishway.

§ 52. Polluting streams.—No dyestuff, coal tar, refuse from a gas house, sawdust, shavings, tanbark, lime or other deleterious or poisonous substance shall be thrown or allowed to run into any waters, either private or public, in quantities destructive of fish inhabiting the same.

§ 53. Pollution of water used by state fish hatcheries.—No person shall erect or maintain any privy, water-closets, pigsty, hogpen, enclosure for poultry, barn or barnyard in which animals or poultry are kept, or drain from any building or the cellar thereof, where drainage or refuse therefrom will flow into or find its way into water used by any fish hatchery operated by the state, or into any pond, creek or stream used in connection therewith. Every such privy, water-closet, pigsty, hogpen, enclosure, barn, barnyard and drain is hereby declared to be a public nuisance and may be summarily abated by the commission. No person shall place sewage or other matter injurious to fish where the same can find its way into water used by any fish hatchery operated by the state, or suffer the same to be done from, over or through premises owned or occupied by him.

§ 54. Drawing off water forbidden.—Fish shall not be taken by shutting or drawing off water for that purpose. But the commission may permit owners or persons in charge of private ponds, reservoirs or waters of the state, to remove therefrom carp, pickerel or other fish by any device.

§ 55. Streams not to be obstructed.—Except as provided in section sixty-one, no person shall by means of any rack, screen, weir or other obstruction in any creek, stream or river, prevent the passage of fish protected by law.

§ 56. Explosives prohibited.—Fish shall not be taken by means of explosives. Except for mining or mechanical purposes, dynamite or other explosives shall not be used in any of the waters of this state, or possessed upon the shores or islands of inland waters thereof. Possession thereof by any person on the shores or islands of inland waters of this state shall be presumptive evidence that the same is possessed for use in violation of the provisions of this section.

§ 57. Waters not stocked from streams.—Trout or lake trout shall not be taken from any of the waters of the state for the purpose of stocking private ponds or streams, but an owner of a private pond may with the written consent of the commission, stock the same with fish from a stream on his own premises.

§ 58. No fishing through ice.—Fish shall not be taken through the ice in waters inhabited by trout or lake trout during the close season therefor. This section shall not apply to Lakes

Ontario and Erie or to the Hudson, Niagara and Saint Lawrence rivers; or from January first to February fifteenth, both inclusive, to Silver lake in Wyoming county.

§ 59. **Exceptions to last section.**—Bullheads, catfish, eels, perch and sunfish, and except during the months of March and April, pickerel may be taken through the ice with a hook and line or tip-ups, in Lake Keuka or Crooked lake, Queechy lake, or the waters of Sullivan county not inhabited by trout and in lake Neatahwanta, Oswego county; in Owasco lake from the head thereof to a line running across the lake from a ravine just south of the cottage now owned by E. C. Pulver on the west shore to the ravine just north of the cottage now owned by James Foster on the east shore thereof; and in Silver lake, Honeoye lake, Canadice lake and Conesus lake except in March and April; and by set lines through the ice in the Susquehanna river and in the Chenango and Unadilla rivers and their tributaries in Chenango county during the same time.

§ 60. **Certain fish not to be transported.**—Lake trout taken in inland waters and trout shall not be transported in this state except when accompanied by the actual owner. No person shall transport or accompany at any one time more than twelve pounds of trout. Possession of lake trout or trout by a common carrier or employee thereof, while actually engaged in the business of such common carrier, unaccompanied by the actual owner, shall constitute a violation of this section by such employee and common carrier.

§ 61. **Eel weirs and eel pots.**—Eel weirs the laths of which are not less than one inch apart, may be maintained in waters not inhabited by trout or lake trout, other than the Chemung river and its tributaries in the counties of Steuben and Chemung, the waters of Cayuga county and the Susquehanna river, provided there be at low water a clear passage in the said weir not less than ten feet wide for the passage of boats and fish. Eel pots of such form as may be prescribed by rules of the commission may be used in waters not inhabited by trout or lake trout. The use of eel weirs and eel pots except as expressly permitted by law is prohibited.

§ 62. **Taking minnows for bait.**—Except in waters inhabited by trout, and creeks and brooks, minnows for bait may be taken with a net not more than six feet in length or diameter, without

a license; except in waters inhabited by trout they may be taken with a net if the owner thereof shall have first obtained from the commission a license therefor. Such a license can be granted only upon the payment of a license fee of one dollar and the execution of a bond by the owner of the net, to be approved by the commission, conditioned for the payment to the people of the state of one hundred dollars if the holder thereof violates any of the provisions of this section or any of the regulations contained in the license while the license is in force. The license must specify the waters in which the net may be used, and may contain regulations for the protection of fish. Black bass, muscallonge, white fish, pickerel or pike taken in a net used under this section shall be immediately returned to the water uninjured.

§ 63. **Fish taken by angling, meshes of nets.**—Except as permitted by this act, fish shall not be taken by any device except angling in any of the rivers, lakes and inland waters of this state. When permitted the meshes of nets used shall not be less than one and one-eighth inch bar.

§ 64. **Frost fish and white fish taken with nets.**—Frost fish, white fish, cat fish, sunfish, pumpkin seeds, bullheads, perch, suckers and sturgeon may be taken with nets from inland lakes not inhabited by trout pursuant to rules prescribed by the commission. Such rules shall be subject to amendment or abrogation at any time and may be either general or special, and published as the commission directs.

§ 65. **Nets to be licensed.**—The rules prescribed by the commission for granting licenses to use seines, fykes and nets when specially permitted by law, as filed in the office of the secretary of state in the years eighteen hundred and ninety-five and eighteen hundred and ninety-eight, are continued, and nets other than scap-nets, dip-nets and minnow nets, when permitted, shall not be set or used without a license granted by the commission.

§ 66. **Thumping.**—Sailing, rowing, pushing or floating in any boat or vessel in a waterway, run or channel where the waters are too deep to draw a seine in the usual way, or patrolling the banks of such waterway, run or channel, and stamping, jumping, shouting, pounding, beating or splashing the water, beating or pounding the banks, or boat, while a seine is set, drawn, held or floated in or at either end of such waterway, run, or channel,

with intent to drive fish into such seine, and which acts are commonly known as thumping, are forbidden.

§ 69. Penalties.—A person who violates any of the provisions of this article is guilty of a misdemeanor and in addition thereto is liable as follows: For each violation of section forty-three in relation to waters inhabited by trout, of sections fifty-two and fifty-three in relation to polluting streams, section fifty-four relating to unlawful devices, section sixty in relation to transportation of fish, section sixty-three in relation to the use of nets and angling and section sixty-six in relation to thumping, a penalty of sixty dollars. For all other violations of said article a penalty of twenty-five dollars and an additional penalty of ten dollars for each fish taken or possessed in violation thereof.

ARTICLE IV.

FISH, LOCAL PROVISIONS.

Section 70. Certain fish not to be placed in Adirondacks.

71. Fishing in Niagara river.
72. Fishing in Lake Champlain.
73. Nets in Lakes Ontario and Erie.
74. Nets in Chaumont bay and adjacent waters.
75. Nets in Hudson and Delaware rivers, and adjacent waters.
76. Richmond county and Raritan bay.
77. Nets prohibited in Harlem river and adjacent waters.
78. Nets in Chenango county.
79. Canandaigua lake, set lines.
80. Fishing in Seneca lake.
81. Fishing in Otsego lake.
82. Fishing in Chautauqua lake.
83. Chautauqua lake, exception.
84. Spearing and hooking.
85. Warren county, certain waters.
86. Saint Lawrence county, certain waters.
87. Extension of close seasons.
99. Penalties.

Section 70. Certain fish not to be placed in Adirondacks.—Fish, or the fry, spawn or milt thereof, other than trout, lake trout and Adirondack frost-fish, shall not be placed in the waters of the

Adirondack region except under the supervision of the commission and pursuant to a resolution thereof.

§ 71. **Fishing in Niagara river.**—Fish shall not be taken in the Niagara river by any device other than angling, except that seines, machines or traps may be used by American citizens in that part of the Niagara river within the limits of the town of Lewiston, Niagara county, to take fish, except black bass, yellow pike, lake trout, white fish, pickerel and muskallonge, during that part of the year when Canadians may lawfully fish with such devices in the waters of said river on the Canada side opposite the town of Lewiston, provided license so to do shall have been obtained from the commission and a fee of five dollars paid for each seine, machine or trap license; and except that pursuant to a license from the commission, a seine may be used in any part of the river in November, December, January and March to take fish except black bass and muskallonge.

§ 72. **Fishing in Lake Champlain.**—Bullheads, eels, suckers, catfish, pike and pickerel may be taken in Lake Champlain from June first to March first, both inclusive, with seines if licensed by the commission. Except as herein provided fish may be taken in said lake by angling only.

§ 73. **Nets in Lakes Ontario and Erie.**—Fish may be taken with nets in the waters of Lake Erie except within one-half mile of the shores or islands thereof, and within five miles of the mouth of Cattaraugus creek; and in Lake Ontario except within one mile of the shores or islands thereof and within three miles of the mouth of the Niagara river. Fishermen licensed to fish in said lakes may hang or reel licensed nets on the shores thereof to clean and dry the same.

§ 74. **Nets in Chaumont bay and adjacent waters.**—The waters and bays of Lake Ontario, in the county of Jefferson, within one mile of the shore, between Horse Island, in the town of Hounsfield, and the town line between the towns of Lyme and Cape Vincent, except the waters within one mile of Stony Island or of the Galloup islands, are so far excepted from the provisions of this act as to permit the taking of fish by nets therein from October first to April thirtieth, provided that a net shall not be set until license therefor has been granted by the commission. The commission shall on the execution of a satisfactory bond, conditioned for the payment to the people of the state of the

sum of one hundred dollars if the holder of the license shall violate any of the provisions of this section as to black bass or muskallonge while the license is in force, grant such a license unless the applicant has been convicted of violating this section or his bond adjudged forfeited. The license fee shall be one dollar for a net, and a single license may be for five nets. All black bass and muskallonge caught in nets set pursuant to this section shall be immediately returned to the water alive, and without unnecessary injury.

§ 75. **Nets in Hudson and Delaware rivers and adjacent waters.**—From March fifteenth to June fifteenth both inclusive, shad and herring may be taken in the Delaware river and that part of the Hudson river below the dam at Troy, with nets operated by hand only; and in Catskill creek below Cook's dam, so called, with scoop nets, dip nets and scap nets. No such net shall be set, placed or drawn or fish taken therefrom between sunset on Friday and sunrise on Monday, unless by reason of inclemency of the weather, it cannot be drawn before sunset on Friday when it may be drawn on Saturday. From September first to May thirtieth, both inclusive, fish except salmon, black bass, trout and pike-perch, and except also during March and April pickerel and pike may be taken with nets in the Hudson river below the dam at Troy, Wallkill creek, Wappinger's creek, Rondout creek below the dam at Eddyville, Catskill creek below Cook's dam so called, and in the Ten Mile river in the town of Dover. From June first to September first, both inclusive, sturgeon may be taken in the Hudson river with sturgeon nets of not less than eleven inch mesh.

§ 76. **Richmond county and Baritan bay.**—Fish except menhaden and shad in Baritan bay or waters adjacent thereto in Richmond county shall not be taken except by angling. Shad shall not be taken except by shad nets from March fifteenth to June fifteenth both inclusive.

§ 77. **Nets prohibited in Harlem river and adjacent waters.**—Nets other than nets used for catching lobsters or crabs, shall not be used in Harlem river, East river or Long Island sound from Hell Gate to the northern boundary line of the city of New York, or in any of the bays, creeks, or confluent brooks within said limits.

§ 78. **Nets in Chenango county.**—Suckers, bullheads and eels may be taken in the Chenango river and its tributaries in Chenango county with seines not more than four rods long having meshes not less than one and one-fourth inch bar, and with rope for hauling not more than thirty feet long at each end of the net, provided licenses therefor have been granted by the commission.

§ 79. **Canandaigua lake, set lines.**—Set lines not over six hundred feet long with one end thereof attached to the shore, may be used to take fish in Canandaigua lake, but no person shall own or operate more than two lines.

§ 80. **Fishing in Seneca lake.**—Nets or seines the meshes of which shall be not less than two inch bar, may be used in Seneca lake from April fifteenth to August fifteenth both inclusive. Fish except black bass, and except pickerel and pike in April, may be taken with spears in said lake from April fifteenth to June fifteenth both inclusive.

§ 81. **Fishing in Otsego lake.**—Frost fish and white fish may be taken in Otsego lake in Otsego county from May first to August thirty-first both inclusive, with seines having meshes of not less than one and three quarter inch bar, in the daytime from sunrise to sunset only. Except in March and April, pickerel may be taken through the ice in said lake by tip-ups or set lines. Frost fish, white fish, Oswego bass, lake trout, perch, eels and except in March and April pickerel, may be taken from said lake by angling from January first to October thirty-first both inclusive.

§ 82. **Fishing in Chautauqua lake.**—Except as hereinafter provided fish shall not be taken in Chautauqua lake from May first to June fifteenth, both inclusive, unless by the state for purposes of propagation or by angling. Black bass, yellow bass, rock bass and muskallonge shall not be taken from December first to June fifteenth both inclusive, except as herein provided.

§ 83. **Chautauqua lake, exception.**—Muskallonge and bill fish may be taken with spears, fish houses and decoys on Mondays and Thursdays of each week for five consecutive weeks beginning on the first Monday of February. No such fish-house, decoy, or spear shall be upon the ice or waters of Chautauqua lake between the hours of six o'clock at night and six o'clock in the morning, or on any day except Monday or Thursday as above provided.

All fish houses or other contrivances for hiding fishermen, shall at all times be open to the inspection of peace officers or protectors, and unless in actual transit from the shore to or from a fishing place are hereby declared to be a public nuisance upon the ice or waters of Chautauqua lake at all times not herein allowed. Such nuisance may be summarily abated by any officer or private person by the destruction thereof.

§ 84. **Spearing and hooking.**—Suckers, bullheads, eels and dogfish may be speared in the Delaware river in Delaware county from April first to September thirtieth, both inclusive; and in the waters of Lake Ontario in the towns of Ellisburg, Henderson, Hounsfield and Brownville in Jefferson county at any time. Such fish may be taken from December first to May fifteenth, both inclusive, by hooking in Oneida lake, Oneida river, Onondaga lake, in the Delaware and Charlotte rivers and their tributary streams in the counties of Delaware and Sullivan, in the Schoharie river and its tributary streams in Schoharie and Greene counties, and in the waters of Cortland, Tioga, Broome, Chenango and Otsego counties.

§ 85. **Warren county, certain waters.**—Pike-perch or great northern pike shall not be taken from the waters of Lake George or Glen lake from January first to June fifteenth both inclusive. Bullheads shall not be taken from said lakes from January first to June thirtieth, both inclusive. Black bass shall not be taken in the town of Horicon from January first to July tenth, both inclusive. Perch, suckers and bullheads may be speared through the ice in the waters of said county, except Schroon lake, Long pond, or Glen lake and Lake George. Perch may be taken through the ice by angling in Lake George. There shall be no open season for fish of any kind prior to the year nineteen hundred and three in East brook and West brook or any of their tributaries in the town of Caldwell or in Harris or Edmund brook, Indian brook or Finkle brook in the town of Bolton.

§ 86. **Saint Lawrence county, certain waters.**—Fish except suckers and billfish or garpikes, shall not be taken in Black lake or the waters tributary thereto, or in the Oswegatchie river from the boundaries of the city of Ogdensburg to the village of Heuvelton, except from May first to November fifteenth both inclusive. Nothing herein contained shall be construed as prohibiting the catching of fish by angling at any time, or the

use of tip-ups in fishing through the ice in the waters of Black lake.

§ 87. **Extension of close seasons.**—There shall be the following extension of close seasons:

1. **Fall creek, Ithaca.**—There shall be no open season for fish in that part of Fall creek between Lake street bridge in the city of Ithaca and Ithaca falls including the pool at the foot of the falls.

2. **Lawrence brook.**—Fish shall not be taken in Lawrence brook or its tributaries in the towns of Moira and Dickinson, Franklin county, before June first nineteen hundred and three, except that suckers may be taken with snares only.

3. **Chateaugay lakes.**—Fish shall not be taken before June first nineteen hundred and four in the brooks, streams or inlets running into the Upper or Lower Chateaugay lakes or the narrows between said lakes, or the Chateaugay river as far down as the Forge dam except in the south inlet below where the East branch enters the inlet, in that part of the Ouleout below the bridge where the highway from Merrill's to Lyon's Mountain crosses the Ouleout, and in that part of the mouth of the west inlet navigable by ordinary row boats.

4. **Silver lake.**—Fish shall not be taken in the waters of Silver lake or the marshes adjoining said lake during the months of March and April.

§ 99. **Penalties.**—A person who violates any of the provisions of this article is guilty of a misdemeanor, and in addition thereto is liable as follows: For each violation of section seventy in relation to placing fish in the Adirondacks, a penalty of five hundred dollars; for every other violation of said article a penalty of sixty dollars and an additional penalty of ten dollars for each fish taken or possessed in violation thereof.

ARTICLE V.

LONG ISLAND.

Section 100. Application of article.

101. Deer, dogs.

102. Squirrels, hares and rabbits.

103. Wild fowl.

104. Manner of hunting.

105. Meadow hens and other birds.

Section 106. Woodcock, grouse and quail.

107. Robbins and Gardiners islands.

108. Plover and other birds.

109. Trout.

110. Black bass.

111. Lake trout.

112. Jamaica bay and adjacent waters.

113. Size of meshes in Coney Island creek.

114. Supervisors of Queens, Nassau and Suffolk counties.

119. Penalties.

Section 100. Application of article.—This article applies only to the counties of Kings, Queens, Nassau and Suffolk, and to Long Island sound, and shall be construed with the general provisions of this act relating to fish and game. In case of conflict the provisions in this article shall be substituted for the general provisions: but such parts of the general provisions as are not necessarily superseded shall apply.

§ 101. Deer; dogs.—Deer shall not be taken at any other time than on the first two Wednesdays and first two Fridays of November. Dogs may be had in the forest for use on those days. Except on those days possession of venison in the forests of Suffolk county between the first Wednesday and the sixteenth day of November, shall be presumptive evidence of a violation of this section. Possession of wild deer or venison between August fourteenth and the first Wednesday in November, shall be conclusive evidence of a violation of this section unless it appear that the same was lawfully killed within the state, or was killed without the state.

§ 102. Squirrels, hares and rabbits.—Black and gray squirrels, hares and rabbits shall not be taken or possessed from January first to October thirty-first, both inclusive, except that if lawfully taken they can be possessed in the city of New York during the open season therefor in this state at large.

§ 103. Wild fowl.—Web-footed wild fowl shall not be taken or possessed from May first to September thirtieth, both inclusive (except if lawfully taken, they can be possessed in the city of New York during the open season therefor); or taken in the night between sunset and daylight.

§ 104. **Manner of hunting.**—Wild fowl may be taken by aid of any floating device at any distance from shore in Long Island sound, in Great South bay west of Smith's point and in Shinnecock, Gardiner and Peconic bays. Sailboats may be used in Long Island sound, Gardiner and Peconic bays.

§ 105. **Meadow hens and other birds.**—Meadow hens, mud hens, gallinule and grebe shall not be taken from December thirty-first to August fifteenth both inclusive.

§ 106. **Woodcock, grouse and quail.**—Grouse and quail shall not be taken from January first to October thirty-first both inclusive. Woodcock shall not be taken from January first to July thirty-first both inclusive. Such birds shall not be possessed in their close season except in the city of New York where they may be possessed during the open season in the state at large.

§ 107. **Robbins and Gardiners island.**—Quail may be taken on Robbins island as long as it remains the property of the Robbins Island Club, and on Gardiners island from October fifteenth to January thirty-first both inclusive. Woodcock may be taken on these islands from August first to December thirty-first both inclusive.

§ 108. **Plover and other birds.**—Plover, curlew, jack snipe, bittern, Wilsons, commonly known as English snipe, yellow legs, killdeer, willet snipe, dowitcher, short-necks, rail, sandpiper, bay snipe, surf snipe, winter snipe, ring-necks and oxeyes shall not be taken or possessed from January first to June thirtieth, both inclusive.

§ 109. **Trout.**—Trout shall not be taken or possessed from August thirty-first to March twenty-eighth both inclusive. Trout taken lawfully may be sold or possessed in the city of New York in the open season established by this section.

§ 110. **Black bass.**—Black bass shall not be taken from January first to May twenty-ninth both inclusive.

§ 111. **Lake trout.**—Lake trout shall not be taken from October first to March thirty-first both inclusive.

§ 112. **Jamaica bay and adjacent waters.**—Except as herein provided, fish shall not be taken by any device other than angling in Jamaica bay, Flatlands bay, Grassy bay, or waters adjacent to said bays and opening into the ocean from Rockaway inlet or other inlets to said bay. The inlets from the ocean to said

bays shall not be obstructed by any device so as to prevent the passage of fish at any time. Refuse and debris may be taken with nets having meshes with not less than a six inch bar. Minnows or shrimp for bait may be taken by hand nets not more than forty feet long and four feet deep. No other nets shall be used in said waters. Angling shall always be lawful. Eels may be taken with a spear or eel-weir.

§ 113. Size of meshes in Coney Island creek.—Meshes of nets, except eel and flounder hoop nets, used in Coney Island creek, or within one-half mile of the mouth thereof in Gravesend bay, shall not be less than four inches square. Eel and flounder hoop nets may be used from October fifteenth to March thirty-first both inclusive.

§ 114. Supervisors of Queens, Nassau and Suffolk counties.—The boards of supervisors of the counties of Queens, Nassau and Suffolk may respectively pass laws regulating and controlling the taking of fish and shell-fish from or in the salt water of such counties.

§ 119. Penalties.—A person who violates any provision of this article is guilty of a misdemeanor and is liable to the following penalties for violation thereof: For each deer or part of deer taken or possessed in violation thereof one hundred dollars; for each bird taken or possessed in violation thereof, twenty-five dollars; for each squirrel, hare or rabbit taken or possessed in violation thereof, ten dollars, and for each fish taken or possessed in violation thereof, the sum of ten dollars; for every other violation thereof, sixty dollars.

ARTICLE VI.

SHELL FISH.

Section 120. Close season for oysters in Harlem river.

121. Replanting Hudson river oysters.

122. Taking oysters in South bay.

123. Measure of shell oysters.

124. Oyster beds protected.

125. Dredging and raking for oysters and clams.

126. Clams and oysters about Staten island.

127. Sale of lobsters under certain size prohibited.

128. Residents only may take shell fish.

Section 129. Polluting waters.

130. Garbage not to be thrown in Long Island sound.

139. Penalties.

Section 120. Close season for oysters in Harlem river.—Oysters shall not be taken in Harlem river from May thirty-first to September first both inclusive.

§ 121. **Replanting Hudson river oysters.**—Oysters shall not be taken from the Hudson river north of New York county for the purpose of replanting without the state.

§ 122. **Taking oysters in South bay.**—Oysters, spawn or shells shall not be taken from South bay in Suffolk county from May thirty-first to September first, both inclusive; or taken between sunset and sunrise at any season. Oyster shells taken from the public waters of said bay in said county shall be returned to the water where taken within ten minutes after being taken. Blade or scraper tongs used to take shell fish shall not be used or possessed in the waters of said bay in said county. This section is subject to the provisions of section one hundred and fourteen.

§ 123. **Measure of shell oysters.**—Oysters in shell may be sold by count or measure; if by measure, it shall be by stave measure. The stave shall be of the following dimensions: The bottom sixteen and one-half inches across inside, the top eighteen inches diagonally from inside chime to top. The measures shall be uniform, shall be even or struck measure, and may be sealed by the sealer of weights and measures of any county. This section shall not apply when oysters are shipped by barrel for sale without the United States.

§ 124. **Oysters beds protected.**—Oysters or hard clams shall not be taken from half an hour after sunset until half an hour before sunrise except in the waters of the Kill von Kull and the Arthur Kill. No person shall take, carry away, interfere with or disturb oysters of another lawfully planted or cultivated, or remove any stakes, buoys or boundary marks of a planted or cultivated bed. The possession of dredges or tongs overboard on any such bed shall be deemed prima facie evidence of a violation of this section.

Subdivision 1. Sheriffs, deputy sheriffs and constables shall, and any person may seize any boat or vessel with the tackle, apparel and furniture of said boat or vessel while in use in viola-

tion of this section. Notice of such seizure shall forthwith be given to a justice of the peace of the county where such seizure was made.

Subdivision 2. Such justice of the peace shall forthwith fix a time and place for trial, and give at least six days notice thereof to the person or persons in possession of said boat or vessel at the time of seizure, and also to the owner thereof if known. If any person or persons entitled to notice are unknown or are nonresidents of the county in which the seizure was made, the justice shall order that a notice directed to such person or persons, if known, or if unknown, then generally to whom it may concern, be published once a week for two successive weeks in a newspaper published in said county, which notice shall contain as near as may be a description of the boat or vessel or property seized, a concise statement of the grounds of seizure, and the time and place fixed by the said justice for trial, which time shall be not less than six days from the day of the last publication of said notice. A notice of seizure under this section shall be deemed a complaint, and the person to whom such notice is directed may interpose an answer denying the violation of any provision of the statute under which the seizure is claimed to have been made. On the day fixed in the notice for the trial, if the person to whom the notice is directed files an answer, or if no answer is filed, or such person does not appear, an issue is deemed to have been joined and a jury shall be drawn and summoned for the trial of such issue, and the subsequent proceedings shall be the same, as far as practicable, as in a civil action before such justice.

Subdivision 3. If proof shall be made to a justice of the peace that any boat or vessel has violated the provisions of this section during the year then last past in the county where such proof is made, he shall order the sheriff of the county to seize the same wherever found. The sheriff shall then seize the same and report the seizure to the justice. The justice shall then give a like notice of trial to the person or persons in possession of said boat, and to the owner thereof, of the time and place of trial, and shall proceed therewith as aforesaid, at the time and place fixed in like manner as if the boat had been seized in the act of violation.

Subdivision 4. If it be determined on the trial that the boat,

vessel or property was used in violating the provisions of this section, judgment shall be rendered accordingly, and the justice shall thereupon order the same to be sold by the sheriff of the county, unless he directs it to be sold by the officer seizing the same. The sale shall be conducted in like manner as a sale of chattels under an execution in justice's court. The avails of any sale, after deducting the expenses of seizure, trial and sale which said justice may allow, shall be paid to the commission.

Subdivision 5. Any person who shall hinder or prevent any officer or other person who is lawfully entering or seizing any boat or vessel liable to seizure under this section from so doing shall be guilty of a misdemeanor, and shall be punished by a fine of not exceeding one hundred dollars or by imprisonment for not more than one year, or by both.

§ 125. Dredging and raking for oysters and clams.—Dredges operated by steam power shall not be used in dredging for shell fish on beds of natural growth. Rakes, tongs, dredges or other devices with spaces or openings between the teeth or prongs less than one inch wide, shall not be used in taking hard or round clams.

§ 126. Clams and oysters about Staten Island.—Oysters and clams shall not be taken or disturbed between half an hour after sunset and half an hour before sunrise in the waters on the south side of Staten Island between a line extending due south from the point of the beach at Great Kills, and a line extending due southwest from Ward's point in the town of Westfield.

§ 127. Sale of lobsters under certain size prohibited.—Lobsters less than nine inches in length measured from one extremity to the other, exclusive of claws or feelers, shall not be taken, possessed or sold.

§ 128. Residents only may take shell fish.—No person who has not been an actual resident of this state for six months shall take shellfish in the waters of this state except in the capacity of employee of a person entitled to take the same.

§ 129. Polluting waters.—Sludge, acid or refuse from oil works or sugar-houses, or buildings connected therewith, (except refuse from the manufacture of oil from menhaden or other fish,) or any substance injurious to oyster culture, shall not be placed or allowed to run into waters within the jurisdiction of the state.

§ 130 Garbage not to be thrown in Long Island sound.—Garbage, cinders, ashes or refuse of any kind shall not be thrown from any vessel into Long Island sound or any bay or harbor opening into the same within two miles of the shore west of a line drawn from Old Field point due north to the boundary line between New York and Connecticut. Starfish shall not be thrown into the waters of the state.

§ 139. Penalties.—A person who violates any provision of this article is guilty of a misdemeanor, and is liable to a penalty of one hundred dollars for each violation thereof.

ARTICLE VII.

DEFINITIONS AND CONSTRUCTION.

Section 140. Definitions.

141. Construction.

Section 140. Definitions.—The following words and phrases used in this act are defined as follows:

1. "Grouse" includes ruffed grouse, partridge and every member of the grouse family.

2. "Trout" includes speckled trout, brown trout, rainbow trout, red throat trout and brook trout.

3. "Lake trout" for the purposes of this act includes landlocked salmon and ouananiche.

4. "Black bass" includes Oswego bass.

5. "Pike" for the purposes of this act includes wall-eyed pike.

6. "Angling" means taking fish by hook and line in hand or rod in hand; or if from a boat not exceeding two lines with or without rod to one person.

7. It is unlawful to take fish or game during time described as "close season." The "open season" is that part of the year when they may be taken in a lawful manner.

8. "Taking" includes pursuing, shooting, hunting, killing, capturing, trapping, snaring and netting fish and game, and all lesser acts such as disturbing, harrying, or worrying whether they result in taking or not; and includes every attempt to take and every act of assistance to every other person in taking or attempting to take fish or game. Whenever taking is allowed by law, reference is had to taking by lawful means and in a lawful manner.

9. "Person" includes a co-partnership, joint stock company or corporation.

10. Where lands are referred to as "inclosed," the boundary may be indicated by wire, ditch, hedge, fence, road, highway, water or in any visible or distinctive manner which indicates a separation from the surrounding or contiguous territory.

11. Gender and number shall be disregarded in construing this act whenever it is necessary to carry out the spirit thereof.

12. Commission, commissioners and board of commissioners are synonymous with commission of forest, fish, and game.

§ 142. Construction.—This act is intended to be a restatement of existing law with such changes as clearly appear. The terms of office of the present commissioners are not affected thereby. References in laws not repealed to provisions in acts incorporated in this act and repealed, shall be construed as applying to such provisions in this act. Nothing in this act shall be construed as amending or repealing any provision of the criminal or penal code.

PART II.

Article 8. Forest, fish and game commission. (§§ 150-163.)

- 9. Game protectors. (§§ 170-179.)
- 10. Prosecutions. (§§ 185-193.)
- 11. Private parks. (§§ 200-204.)
- 12. Fishways. (§§ 208-211.)
- 13. Forest and public parks. (§§ 216-232.)

ARTICLE VIII.

FOREST, FISH AND GAME COMMISSION.

Section 150. Forest, fish and game commission.

- 151. Shellfish commissioner.
- 152. Compensation of commissioners.
- 153. Fish culturist.
- 154. Office and clerical force.
- 155. Duties of commissioners.
- 156. Close season established in towna.
- 157. Power to take fish.
- 158. Leases for cultivation of shellfish.
- 159. Limitation of last section.

Section 160. Special provisions as to leases.

161. To collect rental.

162. Disputes as to shellfish leases settled.

163. Commission to report to legislature.

Section 150. Forest, fish and game commission.—The governor shall by and with the advice and consent of the senate, appoint five commissioners. They and their successors shall constitute the commission of forest, fish and game. He shall in like manner appoint one of their number president of the commission. Their term of office shall be five years.

§ 151. **Shellfish commission.**—The commission shall designate one of their number shellfish commissioner. The shellfish commissioner shall have charge of the shellfish work of the commission, and shall certify to the commission as to whether grounds applied for are oyster beds of natural growth. They shall also designate one of their number to act as secretary, who shall be removable at pleasure. The secretary shall devote his entire time to the work of the commission and perform the duties of secretary without extra compensation.

§ 152. **Compensation of commissioners.**—The annual salaries of the commissioners shall be, to the president, three thousand dollars, and to each of the other commissioners two thousand five hundred dollars, and to each commissioner in addition to his salary, the sum of eight hundred dollars for traveling expenses to be paid in monthly instalments.

§ 153. **Fish culturist.**—The commission shall appoint a fish culturist who is not a commissioner who shall have charge under the direction of the commission of the culture of fish in the state. He shall receive an annual salary of three thousand dollars, and have his actual and necessary traveling expenses while in the performance of his official duty.

§ 154. **Office and clerical force.**—The commission shall have an office in the capitol at Albany and hold meetings there at least once a month, and at such other times and places as they may appoint. The commission may lease an office in the borough of Manhattan or in the borough of Brooklyn for the sale or lease of lands under water, as provided by law. The commission may appoint an assistant secretary who shall have a salary of two thousand dollars a year; an engineer whose compensation they

shall fix, and such other clerical assistants as are actually needed.

§ 155. Duties of commission.—The commission shall have charge of the propagation and distribution of food and game fish and shell fish to supply the waters of the state; of hatching stations owned or operated by the state; of the enforcement of laws for the protection of fish and game and the forests; of lands under water which have been or shall be designated, surveyed and mapped out pursuant to law as oyster beds, and power to grant shellfish franchises on such lands according to law, and such other powers and duties as are or may be imposed upon them by law.

§ 156. Close season established in towns.—The commission may on the request of a majority of the town board of any town in which fish have been or shall be placed at the expense of the state, prohibit or regulate the taking of fish from public inland waters therein, for not exceeding five years, from the first of May next after such fish have been furnished. At least thirty days before such prohibition or regulation shall take effect, a copy of the same shall be filed in the office of the clerk of the town to which the prohibition or regulation applies, and printed copies thereof at least one foot square shall be posted along the shores of the waters affected, not more than fifty rods apart.

§ 157. Power to take fish.—The commission may take fish with nets at such times and in such manner as they deem proper for the artificial propagation of fish. The commission may also remove or cause to be removed from public waters fish which hinder or prevent the propagation of game or food fish. Such removal shall be effected by such means and under such regulations as the commission may provide. Moneys realized from fish so removed may be used by the commission in continuing the work of removal. Any person not in charge of a state net who shall handle or take fish while confined therein, or shall fish within one hundred feet of any leader or net in use by the state shall be guilty of a misdemeanor.

§ 158. Leases for cultivation of shellfish.—The commission may lease lands under water for the cultivation of shellfish to persons who have resided in the state one year or more; but oyster beds of natural growth shall not be leased unless the same have for five years failed to produce natural oysters in suffi-

cient quantities to enable persons engaged in the planting and cultivation thereof to earn a livelihood by working on such lands. Before a lease is made, notice thereof must be posted for at least three weeks in a conspicuous place in the office of the commission, in the office of the town clerk and in the post-office nearest to the lands applied for. The letting shall be at public auction to the highest bidder for not less than twenty-five cents an acre annually, and for not more than fifteen years. Moneys received from such leases shall be paid forthwith to the state treasurer. A lessee shall immediately mark the grounds leased, by stakes, buoys or monuments which shall be maintained by him, his successors or assigns during the continuance of the lease. Leases shall not be transferable in whole or in part except to persons who might have been original lessees. The commissioners may summarily oust from such lands tenants whose rent is in arrears.

§ 159. Limitation of last section.—The last section shall not be construed as limiting the power of the commissioners of the land office to grant land under water, but any grant of land actually occupied and in use for the cultivation of shell fish shall be subject to the right of the occupant to occupy and use the same for at least two years. The last section does not apply to and affect lands under water, held under colonial patents or legislative grants made by any town or person in the counties of Kings, Queens, Nassau, Suffolk and Richmond, or to lands under the waters of Gardiner's and Peconic bays ceded by the state to the county of Suffolk, pursuant to chapter three hundred and eighty-five of the laws of eighteen hundred and eighty-four, or to lands under water in Westchester county.

§ 160. Special provisions as to leases.—In the counties of Queens and Nassau, leases for shell fish cultivation may be for not more than fifty years with the privilege of renewal at the expiration thereof. In Long Island sound in Suffolk county, such leases may be in perpetuity at a rate of not less than one dollar per acre payable in advance, and when granted must be conditioned on actual occupation and cultivation within one year, and shall be deemed personal property.

§ 161. To collect rental.—The commission may sue for, collect, compromise, compound or satisfy rents which now are or may hereafter be in arrears on leases by the state of lands under

water, for the cultivation of shellfish, and to make such rebates thereon as in their judgment are just and equitable; provided the rental shall in no case be less than twenty-five cents an acre annually.

§ 162. *Disputes as to shellfish leases settled.*—The commission shall have jurisdiction to hear all controversies which have arisen or may arise in regard to the leasing of lands under water for the cultivation of shellfish and to determine the same upon just and equitable terms.

§ 163. *Commission to report to legislature.*—The commission shall annually report to the legislature their proceedings for each year ending September thirtieth with such recommendations as they deem proper. In such report they shall include a detailed statement of their receipts and disbursements from all sources; a brief description of the land purchased during the year for the Adirondack park, and the revenue from leases of lands in said park made prior to January first, eighteen hundred and ninety-five; and statistics of forest fires.

ARTICLE IX.

GAME PROTECTORS.

Section 170. Game protectors.

- 171. Game protectors to give bonds.
- 172. Compensation of game protectors.
- 173. Powers of game protectors.
- 174. Records and reports.
- 175. Chief game protector's report.
- 176. Special game protectors.
- 177. Sheriffs and constables.
- 178. Nets to be destroyed by game protectors.
- 179. Expense of seizure of nets.

Section 170. *Game protectors.*—The commission shall appoint thirty-eight game protectors. They and their successors shall hold office during the pleasure of the commission. The commission shall from time to time designate from the protectors a chief game protector and two assistant chiefs, two oyster protectors, an assistant oyster protector and a protector for the Saint Lawrence river. The chief game protector shall have general supervision and control of all protectors, and shall have his office with the commission.

§ 171. **Game protectors to give bonds.**—The chief game protector shall give a bond to the people of the state in the sum of one thousand dollars conditioned for the faithful discharge of his duties, with sureties to be approved by the commission. Every other protector shall give a like bond in the sum of five hundred dollars.

§ 172. **Compensation of game protectors.**—The chief game protector shall receive an annual salary of two thousand dollars a year and his actual and necessary traveling expenses while in the discharge of his official duties, not exceeding one thousand dollars a year. Any chief game protector who has served as such for upwards of five years may by order of the commission receive a salary of two thousand five hundred dollars. The assistant chief protectors shall each have twelve hundred dollars a year and their necessary traveling and incidental expenses while in the discharge of their official duties not exceeding seven hundred and fifty dollars a year. Each state oyster protector shall receive one thousand dollars a year and his actual and necessary traveling and incidental expenses while in the discharge of his official duties not exceeding seven hundred and fifty dollars a year; the assistant oyster protector shall when actually employed, receive two dollars and a half a day and his actual and necessary traveling and incidental expenses while in the discharge of his official duty not exceeding five hundred dollars a year. Other protectors shall receive five hundred dollars a year and an allowance for expenses not exceeding four hundred and fifty dollars a year. Each of said protectors shall receive one-half of the fines and penalties less the expenses of recovering the same collected in actions brought upon information furnished by him.

§ 173. **Powers of game protectors.**—Game protectors shall enforce all laws relating to fish and game; all laws of boards of supervisors relating to the same; all laws and regulations for the protection and preservation of the forest preserve and public parks described in this act; and shall have power to execute all warrants and search warrants issued for a violation of the forest, fish and game law; to serve a summons issuing from justice's court; to serve subpoenas issued for the examination and investigation or trial of offences against any of said laws; to make search where they have cause to believe that fish or game is pos-

searched in violation of law, and without search warrant to examine the contents of any boat, car, box, locker, basket, creel, crate, game-bag or other package and the contents of any building other than a dwelling house, except in the counties of New York and Kings, to ascertain whether any of the provisions of this act or of any law for the protection of fish, shellfish and game have been violated, and to use such force as may be necessary for the purpose of such examination and inspection; and with a search warrant to search and examine the contents of any building or dwelling house; to arrest without warrant any person committing a misdemeanor under the provisions of this act in their presence, and take such person immediately before a magistrate having jurisdiction for trial.

§ 174. **Records and reports.**—Each game protector shall keep a daily record of his official acts, and at the close of each month report the same to the chief game protector. The salary and traveling expenses of a protector shall not be payable except upon the certificate of the chief game protector that such protector has made the required report and properly performed his duties.

§ 175. **Chief game protector's report.**—The chief game protector shall make a monthly report to the commission of the operation of his department during the preceding month, and shall report any negligence or failure to perform duty on the part of any game protector, and shall make such further reports as shall be required by the commission.

§ 176. **Special game protectors.**—The commission may in its discretion appoint a person recommended by a majority of the supervisors of any county or by any game club incorporated for the protection of fish or game, as special game protector. Such special game protectors shall hold office during the pleasure of the commission and shall have the same powers as game protectors except the right to search without warrant, but shall not receive pay from the state. They shall make reports in the same manner as game protectors.

§ 177. **Sheriffs and constables.**—Peace officers shall have the same powers as game protectors under this act, except the right of search without warrant.

§ 178. **Nets to be destroyed by game protectors.**—Nets, pounds or other devices unlawfully had, set or used in or upon any of the

waters or islands of this state, for the purpose of taking fish or game in violation of this act, are hereby declared to be public nuisances and may be summarily destroyed and abated by any game protector or private person. No action for damages shall be maintained for such seizure or destruction.

§ 179. **Expense of seizure of nets.**—The reasonable expense of the seizure, removal or destruction of any net, pound or other illegal device shall be a county charge against the county in which the same shall be seized, and shall be audited and paid as a county charge on the verified statement of the game protector making the seizure, stating the time and place of such destruction, the name of the person or persons employed, the time spent and money paid, if any, therein.

ARTICLE X.

PROSECUTIONS.

Section 185. Actions for penalties by the people.

- 186. Costs in actions by the people.
- 187. Proceeds of actions by the people.
- 188. Actions by private persons or societies.
- 189. Judgments; how enforced.
- 190. Criminal jurisdiction of courts.
- 191. Search warrants; when issued.
- 192. Punishment for misdemeanor.
- 193. Witnesses not excused from testifying.

Section 185. Actions for penalties by the people.—Actions for penalties under this act shall be in the name of “the people of the state of New York;” and must be brought on the order of the chief game protector or of a commissioner. Special counsel may be employed and their compensation fixed by the commission. Such actions may be discontinued by order of the court on the application of the chief game protector upon such terms as the court may direct. Such actions if in justice’s courts, may be brought in any town of the county in which the penalty is incurred or of the county in which the defendant resides.

§ 186. **Costs in actions by the people.**—In case of recovery of any amount in an action for a penalty under this act or in an action authorized by the article on forests and public parks, the people shall recover full costs as provided by section thirty-two

hundred and fifty-one of the code of civil procedure, together with witnesses' fees and other disbursements.

§ 187. **Proceeds of actions by the people.**—Moneys recovered in an action for a penalty, or upon the settlement or compromise thereof, and fines for violations of this act shall be paid to the commission who shall apply so much thereof as may be necessary to the payment of the expenses of collection, and shall on the certificate of the chief game protector, pay one-half the balance to the game protector upon whose information the action was brought. The balance of such receipts shall be available on the certificate of the chief game protector for the expenses of prosecutions for violations of this act.

§ 188. **Actions by private persons or societies.**—A private person except the owner or lessee of premises upon which a penalty is incurred, on giving security for costs to be approved by a judge of the court in which the action is brought and any society or corporation for the protection of fish or game, may recover in his or its name any penalty imposed by this act, and shall be entitled in case of collection, to one-half of the recovery; the balance shall be paid to the commission. Notice of the commencement of such an action shall be given to the chief game protector within fifteen days after the service of the summons therein, and failure to give such notice shall be a defense to the action. If after the commencement thereof an action be brought for the same penalty in the name of the people, an order shall be entered on the application of the chief game protector or of a commissioner for the discontinuance of such action without costs to either party. Motion papers in such an application shall be entitled in both actions.

§ 189. **Judgments; how enforced.**—Judgments recovered under this act may be enforced by execution against the person. A person imprisoned upon such an execution shall be confined for not less than one day, and at the rate of one day for each dollar recovered. No person shall be imprisoned more than once or for more than six months on the same judgment. Imprisonment shall not operate to satisfy a judgment.

§ 190. **Criminal jurisdiction of courts.**—Courts of special sessions and police courts in towns and villages, and the several courts in cities having jurisdiction to try misdemeanors as provided by section fifty-six of the code

of criminal procedure, shall in the first instance have exclusive jurisdiction of offenses committed under this act, and the jurisdiction of said courts shall extend to all such offenses committed in the county where the court sits. A warrant shall be returnable before the magistrate issuing the same.

§ 191. Search warrants; when issued.—Any justice of the peace, police justice, county judge, judge of a city court or magistrate having criminal jurisdiction, shall if it appear probable that fish or game taken or possessed contrary to the provisions of this act, is concealed, issue a search warrant for the discovery thereof, according to the practice provided in sections seven hundred and ninety-four to seven hundred and ninety-seven inclusive of the code of criminal procedure.

§ 192. Punishment for misdemeanor.—A person convicted of a misdemeanor under this act shall, except as otherwise provided, be punished by a fine of not less than ten dollars or more than the amount of the penalty recoverable in a civil action for the offense committed; or by imprisonment in the county jail or penitentiary for not less than one day or more than one day for every dollar of such penalty, or by both such fine and imprisonment.

§ 193. Witnesses not excused from testifying.—No person shall be excused from testifying in any civil or criminal action or proceeding taken or had under this act upon the ground that his testimony might tend to convict him of a crime. But no evidence derived from the examination of such person shall be received against him upon a criminal prosecution.

ARTICLE XI.

PRIVATE PARKS.

Section 200. Laying out private parks.

201. Notices in private parks.

202. Protection of private lands not parks.

203. Fish and game protected.

204. Signs not to be defaced.

Section 200. Laying out private parks.—A private park for the propagation and protection of fish, birds or game may be established

by an owner or person having the exclusive right to hunt or fish on land or land and water, by publishing once a week for not less than four weeks in a newspaper printed in the county where such land or land and water are situated, a notice substantially describing the same and stating that it will be used as a private park to propagate and protect fish, birds or game. But waters stocked with fish by the state at any time after April seventeenth, eighteen hundred and ninety-six, shall not be laid out in any such park. If waters in any such park are hereafter stocked by the state with the consent of the owner the provisions of this article shall no longer apply thereto.

§ 201. Notices in private parks.—Notices or signboards not less than one foot square warning all persons against hunting or fishing or trespassing thereon for that purpose, shall be conspicuously posted and maintained on a private park as follows: if it consists entirely of land, not more than forty rods apart along the entire boundary thereof; if it consists of land and water, at least one notice for each one hundred acres thereof; if it consists of a lake or pond only, in at least four conspicuous places on or near the shore thereof; if it consists of a stream only, not more than one-half mile apart on the banks thereof. If a park be fenced upon part or the whole of the outer boundary thereof, notices shall be placed on or near the fence not more than forty rods apart.

§ 202. Protection of private lands not parks.—An owner or person having the exclusive right to hunt or fish upon enclosed or cultivated lands, or to take fish in a pond or stream, may maintain such notices or signboards upon every fifty acres of the premises sought to be protected upon or near the lot lines thereof, or if waters only, upon or near the shores thereof in at least two conspicuous places, or may personally serve a written notice in the name of such owner or person containing a brief description of the premises warning all persons against hunting or fishing or trespassing thereon for that purpose.

§ 203. Fish and game protected.—No person shall take or disturb fish, birds or game on any private park or private lands, or trespass thereon for that purpose, after lawful notice. A person who violates any provision of this article shall be subject to exemplary damages not exceeding twenty-five dollars for each trespass committed in addition to the actual damages sustained.

§ 204. Signs not to be defaced.—A person who injures, defaces or removes a notice or sign-board placed or maintained pursuant to the provisions of this act, is guilty of a misdemeanor, and liable to a penalty of twenty-five dollars.

ARTICLE XII.

FISHWAYS.

Section 208. Notice of construction of dam.

209. Fishways ordered.

210. Fishways in Saint Lawrence and Franklin counties.

211. Penalties.

Section 208. Notice of construction of dam.—Before the construction of a dam is commenced on any stream more than six miles long inhabited by fish protected by this act, the plan thereof and a statement of the name, length and location of the stream shall be given to the commission by the person, or if by public authority, by the official directing or permitting the work.

§ 209. Fishways ordered.—The commission may by an order entered in their minutes and served by copy on any person or official direct the construction of fishways in proper form in any dam, or if there be fishways, such changes therein as will make them efficient. Any person or official receiving such an order may on notice to the commission, apply to be relieved therefrom to the supreme court, which shall have power to affirm, reverse or modify the same as justice requires.

§ 210. Fishways in Saint Lawrence and Franklin counties.—No person shall maintain on a river in Saint Lawrence or Franklin county except the Oswegatchie above the natural dam at Gouverneur a dam without a slide, apron, waste-gate or other passage sufficient to permit the passage of such fish as enter the mouth of the river on which the dam is located. And no such slide, apron, waste-gate or other passage shall be closed or obstructed after the ice goes out in the spring and before June first, except so far as necessary to supply water to mills dependent on such dam. A person who violates any provision of this section is liable to a penalty of five dollars for every day such violation continues

§ 211. Penalties.—In case of the failure, refusal or neglect of any person owning or maintaining a dam, to comply with the

order of the commission to build, repair or change any fishway, or if reviewed by the court, the final order relating thereto, the commission may build, repair or change the same in accordance with the terms of the order, and in the name of the people, recover of such person the expenses of such construction, repairs or changes, and the same shall be a lien on the premises upon which the dam is located. Such person shall also be liable to a penalty of ten dollars a day for each day such dam shall be used or maintained in violation of the order, which may be recovered in the same or a separate action.

ARTICLE XIII.

FORESTS AND PUBLIC PARKS.

Section 216. Forest preserve.

- 217. Adirondack park.
- 218. Saint Lawrence reservation.
- 219. Deer parks in the Catskills.
- 220. Powers of commission.
- 221. Right of partition.
- 222. Trespass on forest preserve.
- 223. Purchases in Adirondack park.
- 224. Proceeds of lands in the forest preserve.
- 225. Fire wardens and fire districts.
- 226. Duties of fire wardens.
- 227. Compensation of fire wardens.
- 228. Railroads in forest lands.
- 229. Fires to clear land.
- 230. Forest fires prohibited.
- 231. Laws repealed, and saving clause.

Section 216. Forest preserve.—The forest preserve shall include the lands owned or hereafter acquired by the state within the county of Clinton, except the towns of Altona and Dannemora, and the counties of Delaware, Essex, Franklin, Fulton, Hamilton, Herkimer, Lewis, Oneida, Saratoga, Saint Lawrence, Warren, Washington, Greene, Ulster and Sullivan, except

- 1. Lands within the limits of any village or city, and
- 2. Lands not wild lands acquired by the state on foreclosure of mortgages made to loan commissioners.

§ 217. **Adirondack park.**—The Adirondack park shall include all lands now owned or hereafter acquired by the state within the county of Hamilton; the towns of Newcomb, Minerva, Schroon, North Hudson, Keene, North Elba, Saint Armand and Wilmington, in the county of Essex; the towns of Harriestown, Santa Clara, Altamont, Waverly and Brighton, in the county of Franklin; the town of Wilmurt, in the county of Herkimer; the towns of Hopkinton, Colton, Clifton and Fine, in the county of Saint Lawrence, and the towns of Johnsburgh, Stony Creek and Thurman, and the islands in Lake George, in the county of Warren. Such park shall forever be reserved and maintained for the free use of all the people.

§ 218. **Saint Lawrence reservation.**—All that part of the river Saint Lawrence lying and being within the state, with the islands therein, and such lands along the shore thereof as are now owned by or shall hereafter be acquired by the state, is hereby constituted an international park which shall be known as the "Saint Lawrence reservation."

§ 219. **Deer parks in the Catskills.**—The commission shall establish in the forest preserve in the counties of Delaware, Greene, Sullivan and Ulster not more than three deer parks for breeding deer and wild game. The commission may purchase and place in such parks deer or other game. No game shall be taken in any such park for five years after it is established. The commission may at any time enlarge the boundaries of said parks and may receive private subscriptions and expend the same as public moneys for the purposes named, or to purchase lands in such parks.

§ 220. **Powers of commission.**—The commission shall

1. Have the care, control and supervision of the forest preserve and all public parks described in this article; and make from time to time rules for the use, care and administration thereof and enforce the same; but no such rule shall affect the free use of any road or waterway as the same may have been heretofore lawfully used, or may be reasonably required in the prosecution of lawful business.

2. Lay out roads and paths in such public parks and issue licenses on such terms as it may impose for guides or other persons engaged in business therein.

3. Possess all the powers relating to the forest preserve and

the Adirondack park which were vested in the commissioners of the land office and in the comptroller on May fifteenth, eighteen hundred and eighty-five.

4. Make rules for the prevention of forest fires and cause the same to be posted in all proper places throughout the state.

5. Prepare and distribute tracts giving information on the care and renewal of private woodlands, and with the approval of the superintendent of public instruction and the regents of the university, supply to schools, academies and colleges the means of instruction in forestry.

§ 221. Right of partition.—Whenever the state owns an undivided interest in lands in the forest preserve, or is in possession of such lands as joint tenant or tenant in common with another having a freehold estate therein, the attorney general shall on the request of the commission, bring an action in the name of the people for the actual partition thereof. On the written consent of the commission, a co-tenant may maintain an action for the actual partition of such land, making the state a party defendant, and service of process upon the attorney general shall be deemed service upon the state. Lands shall not be sold in such an action nor shall costs be allowed against the state. Actual partition of such lands may be made by the commission subject to the approval of the comptroller who may in the name of the people, make any conveyance necessary or proper in such partition. Such conveyances shall be recorded in like manner as conveyances made by commissioners of the land office.

§ 222. Trespass on forest preserve.—Actions may on the order of a commissioner or the chief game protector, be maintained in the name of the people through special counsel whose compensation shall be fixed by the commission, to recover damages for trespass or waste on lands in the forest preserve, or to prevent trespass or injury thereto with relief by temporary or final injunction; or to recover possession of lands belonging to the state within the forest preserve. Moneys recovered in such an action shall be paid to the commission which after paying the expenses of collection, shall on the certificate of the chief game protector pay to the game protector upon whose information the action was brought, twenty-five dollars, or if the net balance be less than fifty dollars, one-half thereof. A person who cuts or carries away any tree, timber, wood or bark from state lands in

the forest preserve is guilty of a misdemeanor; he shall also be liable to a penalty of ten dollars for each tree cut, taken away or destroyed by him, or under his direction. The penalty so incurred may be recovered in the action to recover damages for trespass or in a separate action.

§ 223. **Purchases in Adirondack park.**—Subject to the approval of the commissioners of the land office, the commission may

1. Contract for the purchase of lands by the state within the Adirondack park subject to such reservation as may be agreed upon during the ten years next following the date of the contract, except the removal of trees under twelve inches in diameter three feet from the ground;

2. Contract that such lands not owned by the state, shall in consideration of exemption from taxation for state and county purposes, become public as part of the park in like manner as state lands. Such a contract must provide against the removal of live timber except spruce, tamarack or poplar, more than twelve inches in diameter three feet from the ground and may reserve to the owner the right to clear not more than one acre within each one hundred acres of land, and may contain such other reservations for occupancy as may be agreed upon. The approval of the commissioners of the land office must appear on any such contract by the certificate of their clerk. Every conveyance to the state made as herein provided must before it is accepted, be certified by the attorney general to be in conformity with the contract. Such conveyances shall be recorded in like manner as conveyances made by commissioners of the land office.

§ 224. **Proceeds of lands in the forest preserve.**—Moneys received from the sale or lease of lands forming part of the forest preserve shall be available only for the purchase of lands to extend the same, and expenses incidental to such purchase and shall not be paid except upon the order of the commission and audit of the comptroller.

§ 225. **Fire wardens and fire districts.**—The commission shall from time to time in every town having lands which are part of the forest preserve, and may in every town having lands which would become part of the forest preserve if acquired by the state, appoint a fire warden who shall act during the pleasure of the commission. When required by the commission, such fire warden shall, and any such fire warden

may establish two or more fire districts in his town. He may also by a written appointment filed in the town clerk's office, from time to time appoint a resident citizen in each district as district fire warden who shall act during the pleasure of the fire warden. Such districts shall be established by filing in the town clerk's office a map showing the boundaries thereof, and by posting a duplicate map in a public place in the town. The cost of such maps not exceeding ten dollars shall be a town charge. In every other town the supervisor shall be fire warden by virtue of his office. If the supervisor be absent when fire occurs, or fail to act, any justice of the peace in the town may act as fire warden.

§ 226. Duties of fire wardens.—Under the commission a fire warden is charged with preventing and extinguishing forest fires in his town. In case of fire in or threatening forest or woodland, the district fire warden, if any, or if none, the fire warden shall attend forthwith and use all necessary means to confine and extinguish the same. The fire warden may destroy fences or plow land, or in an emergency, set back-fires to check fire. Either the fire warden or a district fire warden may summon any resident of his town to assist in putting out fire. Any person summoned who is physically able and refuses to assist, shall be liable to a penalty of ten dollars. An action for trespass shall not lie against persons crossing or working upon lands of another to extinguish fire. In case a forest fire burn over more than an acre of land, the fire warden of the town in which it occurs shall make a report thereof to the commission, giving the area burned over, the quantity of timber, wood, logs, bark or other forest products, and of fences, bridges and buildings destroyed with an estimate of the value thereof. He shall also report the cause of such fire, and the means used in putting it out.

§ 227. Compensation of fire wardens.—Fire wardens and district fire wardens shall receive two dollars and a half a day for time actually employed at forest fires or in the prevention thereof. Every person assisting in putting out a fire who shall have attended pursuant to a summons as provided in this article, shall receive two dollars a day for the time actually employed. Such services shall be a town charge. In towns where fire wardens are appointed by the commission bills therefor must be approved by the fire warden and a duplicate bill with his approval and a cer-

tificate of the board of town auditors showing the bill has been paid filed with the commission. On approval of the bills filed with the commission the comptroller shall pay one-half the amount so expended in any such town to the town.

§ 228. *Railroads in forest lands.*—Every railroad company shall on such part of its road as passes through forest lands or lands subject to fires from any cause, cut and remove from its right of way along such lands at least twice a year all grass, brush and other inflammable materials; employ in seasons of drought and before vegetation has revived in the spring, sufficient trackmen to promptly put out fires on its right of way; provide locomotives thereon with steel netting or iron wire on the smoke stacks to prevent the escape of fire and sparks, and adequate devices to prevent the escape of fire from ashpans and furnaces, which shall be used by every engineer and fireman on such part of its road. No railroad company or employee thereof shall deposit fire coals or ashes on its track or right of way near such lands. In case of fire on its own or neighboring lands, the railroad company shall use all practicable means to put it out. Engineers, conductors or trainmen discovering or knowing of fires in fences or other material along or near the right of way of the railroad in such lands, shall report the same at the first station to the station agent, and such station agent shall forthwith notify the nearest fire warden or game protector thereof, and use all necessary means to extinguish the same. Any railroad company or employee thereof violating any provision of this section shall be liable to a penalty of one hundred dollars for every such violation.

§ 229. *Fires to clear land.*—Fallows, stumps, logs or fallen timber shall not be burned in the territory hereinafter described from April first to June tenth both inclusive, or from September first to November tenth both inclusive. From June eleventh to August thirty-first, both inclusive, such fires may be set therein if written permission of the fire warden or district fire warden of the town or district in which the fire is set has been first obtained. If in a locality near forest or woodland, the fire warden or district fire warden shall be personally present when the fire is started. Such fires shall not be started during a heavy wind or without sufficient help present to control the same, and the same shall be watched by the person setting the fire

until put out. Any person violating any provision of this section is guilty of a misdemeanor, and in addition thereto is liable to a penalty of three hundred dollars. This section applies to Hamilton county; to the towns of Minerva, Newcomb, North Hudson, Schroon, Keene, Jay, Lewis, North Elba, Saint Armand, and Wilmington, Essex county; the towns of Waverly, Harrietstown, Brandon, Santa Clara, Brighton, Belmont, Franklin, Duane and Altamont, Franklin county; the towns of Hopkinton, Colton, Clifton, Fine, Edwards, Pitcairn, Clare, Russell and Parishville of Saint Lawrence county; the towns of Diana, Croghan, Watson, Greig, and Lyonsdale of Lewis county; to the towns of Webb, Wilmurt, Ohio, Salisbury, Remsen and Russia, Herkimer county; the town of Forestport, Oneida county; the towns of Stratford, Caroga, Bleecker, and Mayfield, Fulton county; the towns of Day, Edinburgh, Hadley and Corinth, Saratoga county; the towns of Johnsburch, Thurman and Stony Creek, Warren county; the towns of Putnam, Dresden, and Fort Ann, Washington county; the towns of Altona, Dannemora, Ellenburgh, Saranac and Black Brook, Clinton county; the towns of Denning, Hardenburgh, Shandaken, Olive, Rochester, Wawarsing and Woodstock, Ulster county; the towns of Neversink and Rockland, Sullivan county; the towns of Andes, Colchester, Hancock and Middletown, Delaware county; the towns of Hunter, Jewett, Lexington and Windham, Greene county.

§ 230. Forest fires prohibited.—A person who except as permitted by this act wilfully or negligently sets fire to waste or forest lands of the state or of a private person or who suffers a fire on his own lands to extend therefrom to state lands is guilty of a misdemeanor and shall be imprisoned not more than one year and pay a fine of not less than two hundred and fifty dollars or both. He shall also be liable to the state or any person for the damages caused by such wrongful act.

§ 231. Laws repealed and saving clause.—The laws or parts thereof mentioned in the schedule hereto annexed and all acts amendatory thereof or supplemental thereto or inconsistent with this act are hereby repealed; but such repeal shall not affect or impair any right accruing, accrued or acquired, or any liability, penalty or forfeiture incurred under or by virtue of any law so repealed; prior to the time when this act takes effect. And such

right, liability, penalty or forfeiture may be asserted or enforced by action, and any criminal act may be prosecuted and punishment inflicted in the same manner and to the same extent as if such law had not been repealed. All actions and proceedings civil or criminal, commenced under any act either before or after this act takes effect, may be prosecuted and defended in the same manner as if this act had not been passed.

§ 232. This act shall take effect immediately.

SCHEDULE OF LAWS REPEALED.

Laws of—	Chapter.	Sections.	Subject matter.
1892....	488..	All.....	General fish and game law.
1892....	561..	All.....	Antwerp or homing pigeons.
1893....	62...	All.....	Amends L. 1892, ch. 488, § 140.
1893....	194..	All.....	Amends L. 1892, ch. 488, § 141.
1893....	293..	All.....	Amends L. 1892, ch. 488, § 271, sub. 5.
1893....	307..	All.....	Amends L. 1892, ch. 488, § 135.
1893....	321..	All.....	Amends L. 1892, ch. 488, §§ 197-198.
1893....	343..	All.....	Protection of fish in Herkimer county.
1893....	340..	All.....	Amends L. 1892, ch. 488, § 165.
1893....	541..	All.....	Amends L. 1892, ch. 488, § 165.
1893....	547..	All.....	1892, ch. 488, § 164.
1893....	548..	All.....	Amends L. 1892, ch. 488, § 172.
1893....	573..	All.....	Amends L. 1892, ch. 488, §§ 5, 6, 24, 26, 78, 79, 49, 102, 115, 145, 189, 191, 217, 240, 271, 238, 149, 173, 77, 142, 70, 136.
1894....	183..	All.....	Amends L. 1892, ch. 488, § 271, sub. 7.
1894....	627..	All.....	Amends L. 1892, ch. 488, §§ 26, 49, 56, 70, 86, 105, 110, 115, 121, 132, 136, 138, 140, 141, 142, 149, 191, 244, 260, 261.
1894....	744..	§ 1.....	Amends L. 1892, ch. 488, § 198.
1895....	40...	All.....	Amends L. 1892, ch. 488, § 141.
1895....	179..	All.....	Amends L. 1892, ch. 488, § 70.

Laws of—	Chapter.	Sections.	Subject matter.
1895....	395..	All.....	Amends L. 1892, ch. 488 generally; amends articles 1 and 2, §§ 1-8, 20-33 throughout.
1895....	448..	All.....	Amends L. 1892, ch. 488, §§ 52, 53.
1895....	470..	All.....	Amends L. 1892, ch. 488, § 140.
1895....	498..	All.....	Fishways through private dams in Franklin and Saint Lawrence counties.
1895....	551..	All.....	Amends L. 1892, ch. 488, § 136.
1895....	974..	All.....	Amends L. 1892, ch. 488, articles 3-11, §§ 40-262, amended and re-written.
1896....	114..	All.....	Amends L. 1892, ch. 488, § 280.
1896....	144..	All.....	L. 1892, ch. 488, § 170.
1896....	150..	All.....	Amends L. 1892, ch. 488, § 149.
1896....	154..	All.....	Amends L. 1892, ch. 488, § 136.
1896....	169..	All.....	Amends L. 1892, ch. 488, §§ 3, 4, 5, 6.
1896....	179..	All.....	Amends L. 1892, ch. 488, § 49.
1896....	180..	All.....	Amends L. 1892, ch. 488, § 82.
1896....	233..	All.....	Amends L. 1892, ch. 488, § 231.
1896....	284..	All.....	Amends L. 1892, ch. 488, § 30.
1896....	319..	All.....	Amends L. 1892, ch. 488, § 212.
1896....	367..	All.....	Amends L. 1892, ch. 488, § 104.
1896....	368..	All.....	Amends L. 1892, ch. 488, § 103.
1896....	383..	All.....	Amends L. 1892, ch. 488, § 189.
1896....	462..	All.....	Amends L. 1892, ch. 488, § 101.
1896....	463..	All.....	Amends L. 1892, ch. 488, § 50.
1896....	531..	All.....	Amends L. 1892, ch. 488, §§ 22, 24, 110, 111, 112 and adds article 15, §§ 310-320.
1896....	652..	All.....	Amends L. 1892, ch. 488, § 44.
1896....	653..	All.....	Amends L. 1892, ch. 488, § 197.
1896....	654..	All.....	Amends L. 1892, ch. 488, § 43.
1896....	655..	All.....	Amends L. 1892, ch. 488, §§ 276, 279, 281.
1896....	657..	All.....	Leases for shell-fish cultivation.
1896....	658..	All.....	Amends L. 1892, ch. 488, § 143.
1896....	659..	All.....	Amends L. 1892, ch. 488, § 24.

Laws of—	Chapter.	Sections.	Subject matter.
1896....	660..	All.....	Amends L. 1892, ch. 488, § 154.
1896....	661..	All.....	Amends L. 1892, ch. 488, §§ 32, 33.
1896....	783..	All.....	Amends L. 1892, ch. 488, § 131.
1896....	802..	All.....	Saint Lawrence reservation.
1896....	824..	All.....	Amends L. 1892, ch. 561, §§ 2, 3.
1896....	975..	All.....	Amends L. 1892, ch. 488, § 173.
1897....	63...	All.....	Hounding of deer in towns of Dresden and Putnam, Wash- ington county.
1897....	64...	All.....	Amends L. 1892, ch. 488, § 162.
1897....	93...	All.....	State nets.
1897....	94...	All.....	Amends L. 1892, ch. 488, § 310.
1897....	150..	All.....	Amends L. 1892, ch. 488, § 105.
1897....	151..	All.....	Amends L. 1892, ch. 488, § 166.
1897....	182..	All.....	Amends L. 1892, ch. 488, § 142.
1897....	250..	All.....	Amends L. 1892, ch. 488, § 133.
1897....	280..	All.....	Fishing through ice on Owasco lake.
1897....	322..	All.....	Amends L. 1892, ch. 488, § 56.
1897....	326..	All.....	Amends L. 1892, ch. 488, § 145.
1897....	330..	All.....	Amends L. 1892, ch. 488, § 134.
1897....	342..	All.....	Amends L. 1892, ch. 488, § 73.
1897....	388..	All.....	Amends L. 1892, ch. 488, § 136.
1897....	390..	All.....	Amends L. 1892, ch. 488, §§ 40, 43, 44.
1897....	628..	All.....	Amends L. 1892, ch. 488, § 110.
1897....	699..	All.....	Amends L. 1892, ch. 488, § 78.
1897....	700..	All.....	Amends L. 1892, ch. 488, § 281.
1897....	705..	All.....	Protection of fish in Chautauqua lake.
1897....	706..	All.....	Amends L. 1892, ch. 488, § 191.
1898....	2....	All.....	Amends L. 1897, ch. 705, §§ 2-6.
1898....	39...	All.....	Amends L. 1892, ch. 488, § 41.
1898....	53...	All.....	Amends L. 1892, ch. 488, § 49.
1898....	54...	All.....	Amends L. 1892, ch. 488, §§ 74, 75, 76, 81.
1898....	55...	All.....	Amends L. 1892, ch. 488, § 48.
1898....	68...	All.....	Protection of bass in Orange lake, Orange county.

Laws of—	Chapter.	Sections.	Subject matter.
1898....	92...	All.....	Amends L. 1892, ch. 488, § 172.
1898....	93...	All.....	Amends L. 1892, ch. 488, § 108.
1898....	94...	All.....	Amends L. 1892, ch. 488, by adding § 155.
1898....	107..	All.....	Amends L. 1892, ch. 488, by adding § 156.
1898....	109..	All.....	Amends L. 1892, ch. 488, § 110.
1898....	132..	All.....	Amends L. 1892, ch. 488, § 175.
1898....	139..	All.....	Amends L. 1892, ch. 488, § 138.
1898....	400..	All.....	Amends L. 1892, ch. 488, § 141.
1898....	401..	All.....	Amends L. 1892, ch. 488, § 132, and adds § 132a.
1898....	403..	All.....	Amends L. 1892, ch. 488, § 51.
1898....	404..	All.....	Amends L. 1892, ch. 488, § 45.
1898....	405..	All.....	Amends L. 1892, ch. 488, § 143.
1898....	406..	All.....	Amends L. 1892, ch. 488, § 278.
1898....	407..	All.....	Amends L. 1892, ch. 488, §§ 111, 158.
1898....	408..	All.....	Amends L. 1892, ch. 488, § 264.
1898....	409..	All.....	Amends L. 1892, ch. 488, § 82.
1898....	447..	All.....	Amends L. 1892, ch. 488, § 244.
1898....	449..	All.....	Amends L. 1892, ch. 488, § 162.
1898....	450..	All.....	Amends L. 1892, ch. 488, § 57.
1898....	451..	All.....	Amends L. 1892, ch. 488, by adding § 34.
1898....	452..	All.....	Amends L. 1892, ch. 488, by adding § 157.
1898....	453..	All.....	Amends L. 1892, ch. 488, § 198.
1898....	454..	All.....	Amends L. 1892, ch. 488, §§ 106, 114.
1898....	455..	All.....	Amends L. 1892, ch. 488, § 154.
1898....	456..	All.....	Amends L. 1892, ch. 488, § 142.
1898....	457..	All.....	Amends L. 1892, ch. 488, § 161.
1898....	458..	All.....	Amends L. 1892, ch. 488, by adding § 199.
1898....	459..	All.....	Amends L. 1892, ch. 488, §§ 72, 73.
1898....	460..	All.....	Amends L. 1892, ch. 488, by adding § 157.
1898....	461..	All.....	Amends L. 1892, ch. 488, § 136.

Laws of—	Chapter.	Sections.	Subject matter.
1898....	462..	All.....	Amends L. 1892, ch. 488, § 139.
1898....	489..	All.....	Amends L. 1892, ch. 488, by adding § 75-a.
1898....	600..	All.....	Amends L. 1892, ch. 488, §§ 140, 149.
1898....	639..	All.....	Amends L. 1892, ch. 488, §§ 52, 53.
1899....	10..	All.....	Amends L. 1892, ch. 488, § 164.
1899....	42..	All.....	Amends L. 1892, ch. 488, § 79.
1899....	54..	All.....	Amends L. 1892, ch. 488, § 162.
1899....	55..	All.....	Amends L. 1892, ch. 488, § 82.
1899....	60..	All.....	Amends L. 1892, ch. 488, § 160.
1899....	135..	All.....	Amends L. 1892, ch. 488, § 169.
1899....	141..	All.....	Amends L. 1892, ch. 488, § 49.
1899....	187..	All.....	Amends L. 1892, ch. 488, § 173.
1899....	188..	All.....	Amends L. 1892, ch. 488, § 192.
1899....	228..	All.....	Amends L. 1892, ch. 488, § 159.
1899....	231..	All.....	Amends L. 1892, ch. 488, § 170, and by adding § 170-a.
1899....	235..	All.....	Amends L. 1892, ch. 488, § 142.
1899....	244..	All.....	Amends L. 1892, ch. 488, § 141.
1899....	249..	All.....	Amends L. 1892, ch. 488, by adding § 74-a.
1899....	252..	All.....	Amends L. 1892, ch. 488, by adding § 58.
1899....	290..	All.....	Amends L. 1892, ch. 488, § 73.
1899....	319..	All.....	Amends L. 1892, ch. 488, § 44.
1899....	325..	All.....	Amends L. 1892, ch. 488, § 109.
1899....	341..	All.....	Amends L. 1892, ch. 488, § 105.
1899....	415..	All.....	Amends L. 1892, ch. 488, by adding § 75-a.
1899....	425..	All.....	Amends L. 1892, ch. 488, § 133.
1899....	426..	All.....	Amends L. 1892, ch. 488, § 136.
1899....	511..	All.....	Amends L. 1892, ch. 488, § 132.
1899....	533..	All.....	Amends L. 1892, ch. 488, § 26.
1899....	534..	All.....	Amends L. 1892, ch. 488, § 86.
1899....	535..	All.....	Amends L. 1892, ch. 488, § 7.
1899....	536..	All.....	Amends L. 1892, ch. 488, §§ 74, 75, 76.
1899....	537..	All.....	Amends L. 1892, ch. 488, § 153.

Laws of—	Chapter.	Sections.	Subject matter.
1899....	538..	All.....	Amends L. 1892, ch. 488, § 159.
1899....	610..	All.....	Amends L. 1892, ch. 488, § 105.
1899....	611..	All.....	Amends L. 1892, ch. 488, § 121.
1899....	642..	All.....	Hares and rabbits.
1899....	701..	All.....	Amends L. 1892, ch. 488, §§ 110, 145, 145-a.
1899....	729..	All.....	Amends L. 1892, ch. 488, § 35.

Chap. 21.

AN ACT to amend an act to incorporate the Utica Mechanics Association passed March thirtieth, eighteen hundred and thirty-three, relative to the sale of the real estate and the dissolution of said corporation.

Became a law February 20, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The act entitled "An act to incorporate the Utica Mechanics Association passed March thirtieth, eighteen hundred and thirty-three," is hereby amended by adding thereto the following:

§ 8. The said corporation the Utica Mechanics Association is hereby authorized and empowered to sell and convey all the real estate, buildings and property owned and occupied by it situate on the northerly side of LaFayette street, between Seneca and Washington streets, in the city of Utica, Oneida county, New York; and the proceeds of such sale and conveyance, or so much thereof as may be necessary, shall be applied towards the payment and discharge of the debts of said corporation.

§ 9. The provisions of the code of civil procedure of the state of New York relating to proceedings for the voluntary dissolution of a corporation, namely, from and including section two thousand four hundred and nineteen to and including section two thousand four hundred and thirty, are hereby made applicable to the said corporation; but as said corporation has no stockholders it shall be sufficient for the purposes thereof to notify, name and

refer to the "life members" of said corporation instead of "stockholders" as therein provided for.

§ 10. This act shall take effect immediately.

Chap. 22.

AN ACT to amend chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-two, known as the "university law" as heretofore amended.

Became a law, February 24, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Section fifty-four of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-two entitled "An act to revise and consolidate the laws relating to the University of the State of New York" is hereby amended so as to read as follows:

Construction of provisions of act.

§ 54. The provisions of this act, so far as they are substantially the same as those of the laws herein repealed, shall be construed as a continuation of such laws, modified or amended according to the language employed in this act, and not as new enactments. Repeals in this act shall not revive any law repealed by any law hereby repealed, but shall include all laws amendatory of the laws hereby repealed. References in laws not repealed to provisions of law incorporated in this chapter and repealed shall be construed as applying to the provisions so incorporated. Nothing in this act shall be construed to repeal any provision of the criminal or penal code. Nothing in chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-eight as amended by chapter five hundred and eighty-one, laws of eighteen hundred and ninety-nine, shall be construed to repeal any portion of this act relating to the establishment and maintenance of free public libraries, or to the appointment or removal of any trustees thereof, or to the duties or powers of such trustees, nor shall it be construed to repeal any statute authorizing or fixing any appropriation for the use and maintenance of any such library, but such libraries shall be established and maintained,

and have such appropriations for their uses and maintenance and their trustees shall be appointed and removed and have such duties and powers as provided by this act and other statutes of the state independent of said chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-eight, as amended aforesaid.

§ 2. This act shall take effect immediately.

Chap. 23.

AN ACT to reimburse the inspector of gas meters for expenditures incurred by him in pursuance of law, during the year eighteen hundred and ninety-nine, and making appropriations therefor.

Became a law, February 24, 1900, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of two thousand dollars or so much thereof as may be necessary is hereby appropriated for the purpose of reimbursing the inspector of gas meters for expenditures for his office, seals and other purposes, made and incurred by him during the year eighteen hundred and ninety-nine, and authorized by section sixty-three of chapter five hundred and sixty-six of the laws of eighteen hundred and ninety, entitled "An act in relation to transportation corporations, except railroads, constituting chapter forty of the general laws," as amended by chapter three hundred and eighty-five of the laws of eighteen hundred and ninety-three, and as further amended by chapter three hundred and sixty-four of the laws of eighteen hundred and ninety-eight and chapter seven hundred and thirty-two of the laws of eighteen hundred and ninety-nine.

Appropriation.

§ 2. The money hereby appropriated shall be paid by the state treasurer on the warrant of the comptroller, out of the money in his hands not otherwise appropriated. Provided, that the inspector of gas meters shall first present to the comptroller a detailed statement of said expenditures, in items, verified by affidavit. The sum hereby appropriated, or so much thereof as shall be paid to the inspector of gas meters, shall be refunded

Payment of appropriation.

to the treasury in the manner provided in chapter three hundred and eighty-five of the laws of eighteen hundred and ninety-three, as amended by chapter three hundred and sixty-four of the laws of eighteen hundred and ninety-eight.

§ 3. This act shall take effect immediately.

Chap. 24.

AN ACT to amend the poor law in relation to the burial of soldiers, sailors or marines.

Became a law, February 24, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-three of chapter two hundred and twenty-five of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the poor, constituting chapter twenty-seven of the general laws," is hereby amended to read as follows:

§ 83. Burial of soldiers, sailors or marines.—The board of supervisors in each of the counties shall designate some proper person or authority, other than that designated for the care of poor persons, or the custody of criminals, who shall cause to be interred, the body of any honorably discharged soldier, sailor or marine, who has served in the military or naval service of the United States, who shall hereafter die without leaving means sufficient to defray his funeral expenses, but such expenses shall in no case exceed thirty-five dollars. If the deceased has relatives or friends who desire to conduct the burial, but are unable or unwilling to pay the charges therefor, such sum shall be paid by the county treasurer upon due proof of the claim, and of the death and burial of the soldier, sailor or marine to the person so conducting such burial. Such interment shall not be made in a cemetery or cemetery plot used exclusively for the burial of poor persons deceased.

§ 2. This act shall take effect immediately.

Chap. 25.

AN ACT to amend the highway law by authorizing a vote at a special town meeting upon the proposition of changing the system of taxation for working and repairing the highways.

Became a law, February 24, 1900, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifty-one of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled "An act in relation to highways constituting chapter nineteen of the general laws," as amended by chapter three hundred and eighty-six of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

§ 51. **Vote thereon.**—Upon the written request of twenty-five taxpayers of any town, the electors thereof may, at a special or biennial town meeting vote by ballot upon the question of changing the system of taxation for working the highway; but no person residing in an incorporated village or city, exempted from the jurisdiction of commissioners of highways of the town, shall sign such request, or vote upon such question.

§ 2. This act shall take effect immediately.

Chap. 26.

AN ACT confirming the action of the Volunteer Firemen's Home Association in transferring its rights and property to the Firemen's Association of the State of New York and transferring to said Firemen's Association all the rights, powers and duties of the Volunteer Firemen's Home Association.

Became a law, February 24, 1900, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The Volunteer Firemen's Home Association, a corporation now incorporated under the general laws of the state

of New York, having by an unanimous vote of its board of trustees deeded to the Firemen's Association of the State of New York all its property, real and personal, such grant is hereby confirmed, and all the rights, duties and obligations owned or possessed by said Volunteer Firemen's Home Association under any of the laws of this state are hereby transferred to and vested in the Firemen's Association of the State of New York.

§ 2. This act shall take effect immediately.

Chap. 27.

AN ACT to legalize certain acts of the board of supervisors of Chemung county.

Became a law, February 24, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Contracts
and pay-
ments
legalized.

Section 1. All contracts made by the board of supervisors of Chemung county, or a committee appointed by said board, in the year eighteen hundred and ninety-seven, for the publication of the daily proceedings of said board of supervisors, or a synopsis thereof, in any newspaper or newspapers in said county of Chemung are hereby declared to be in all things as legal and valid as if expressly authorized by statute, and all payments heretofore made by the county treasurer of said county are hereby ratified and confirmed. Said board of supervisors is hereby authorized to audit and direct payment of such amounts as may be actually due and unpaid to the publishers of such newspapers under any contract made by said board, or by any committee thereof, for the publication of its daily proceedings or of a synopsis thereof during the session of the board of the year eighteen hundred and ninety-seven.

Audit of
accounts.

§ 2. This act shall take effect immediately.

Chap. 28.

AN ACT to amend chapter seven hundred and twenty-one of the laws of eighteen hundred and ninety-nine, entitled "An act to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of the town of Long Lake, Hamilton county, against the state on account of the illegal cancellation of land sales for taxes.

Became a law, February 24, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter seven hundred and twenty-one of the laws of eighteen hundred and ninety-nine is hereby amended to read as follows:

§ 1. Jurisdiction is hereby conferred upon the court of claims to hear, audit and determine upon the law and merits, the alleged claim of the town of Long Lake, Hamilton county, against the state arising from alleged illegal cancellations by the state comptroller of tax sales of non resident lands in said town of Long Lake resulting in alleged claims of said town of Long Lake, that it has thereby paid more and been compelled to pay more than its just share and proportion of taxes, interest and charges; and make an award and render judgment therefor against the state and in favor of said town.

Chap. 29.

AN ACT to amend chapter eighteen of the laws of eighteen hundred and sixty-two entitled "An act to revise the charter of the city of Utica" and the several acts amendatory thereof, relative to temporary loans et cetera.

Accepted by the city.

Became a law, February 24, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixty-eight of chapter eighteen of the laws of eighteen hundred and sixty-two, entitled "An act to revise

the charter of the city of Utica " is hereby amended to read as follows:

§ 68. Temporary loans et cetera.—Moneys shall not be borrowed by the common council on temporary loans except,

1. In anticipation of the taxes to be levied in the next succeeding tax budget of the city and for the purposes for which such taxes are levied, and shall not be in excess of the amount of such taxes. Such loans shall always be made payable on or before the first Tuesday of January next thereafter and in no case shall interest run on any such loans after such taxes are paid into the treasury of the city.

2. In anticipation of not more than two-thirds of the cost and expense of local improvements due and payable, or to become due and payable within the calendar year. Such loans shall always be made payable within eight months and from the moneys thereafter to be collected on the assessments and taxes for such local improvements or applicable to the payment therefor. In no case shall interest run on any such loans after the taxes and assessments for such local improvements are paid into the treasury of the city, nor shall any part of the loans authorized by this subdivision be used for paying any of the local improvement bonds, known as paving bonds, heretofore or hereafter issued under the provisions of section ninety-nine of the charter of said city. In case the assessment, or taxes for said local improvements are not collected within said eight months, the common council is hereby authorized to make temporary loans, from time to time, to provide such amounts as may be required to meet the deficiencies caused by such delay in collecting said assessments and taxes, but the aggregate amount so issued shall not exceed at any time the aggregate amount of said deficiencies then outstanding.

§ 2. Repeal.—All acts or parts of acts inconsistent with or in conflict with the provisions of this act are hereby repealed.

§ 3. When this act takes effect.—This act shall take effect immediately.

Chap. 30.

AN ACT authorizing the board of estimate and apportionment of the city of New York to audit and allow, and also authorizing the comptroller of the city of New York to pay to certain persons compensation for services actually rendered to the city of New York in the department of finance in the year eighteen hundred and ninety-nine, pending the preparation of municipal civil service eligible lists for the position of assistant accountant in said department.

Accepted by the city.

Became a law, February 24, 1900, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of estimate and apportionment of the city of New York is hereby authorized and empowered in its discretion, to examine into the facts concerning the services claimed to have been rendered by John P. Canavan, John T. Gallagher, John A. Turner, James P. Allen, Harlan P. Christie, T. W. Crowley, Joseph E. Glennen, Joseph Heinemann, Robert W. Irving, James MacDonald, William P. Riggs, Louis R. Brummerhop, E. N. Dalton, Edward A. Hayes, George W. Hommell, George W. Meeks, Patrick H. Maher, George W. O'Brien, Maurice J. Ralph, Philip S. Shaughnessy, William H. Strohm, James W. Taft, Joseph Hunter, Matthew M. Feely, Charles J. McGee, Elizabeth Robbert, I. N. Levy, in the department of finance in the city of New York, in the year eighteen hundred and ninety-nine, pending the preparation by the municipal civil service commission of the city of New York of the eligible lists for the position of assistant accountant in said department, and also to audit and allow said claims or such of them, or such portion of any or of all of them as said board of estimate and apportionment may deem just and equitable, but not exceeding in the aggregate the sum of six thousand dollars.

Audit and allowance of claims.

§ 2. Upon such audit and allowance by said board of estimate and apportionment of the city of New York, the comptroller of

Payment by comptroller.

said city is hereby authorized and directed to pay to said persons to whom such allowances shall have been made by said board of estimate and apportionment, the amounts so allowed out of the proceeds of revenue bonds issued or to be issued and payable, under the provisions of chapter six hundred and sixty-nine of the laws of eighteen hundred and ninety-seven.

§ 3. This act shall take effect immediately.

Chap. 31.

AN ACT to authorize the police board of the city of New York to inquire into the dismissal from the police force of Patrick Ginley, a patrolman, and in its discretion to reinstate him.

Accepted by the city.

Became a law, February 24, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows: .

Investigation by police board.

Section 1. The police board of the city of New York is hereby authorized in its discretion to inquire into and ascertain whether Patrick Ginley, who was dismissed from the position of patrolman in the police department of the city of New York, on the fourth day of January, eighteen hundred and eighty-three, was properly dismissed for cause after a hearing as provided by law.

Power to reinstate as patrolman.

§ 2. If the said police board of the city of New York shall, after investigation of the record of the dismissal of said Patrick Ginley and after considering such proof as may be submitted by said Patrick Ginley, be satisfied that he was improperly dismissed from the police department, the said police board may reinstate the said Patrick Ginley as patrolman in said department, without regard to the lapse of time since his dismissal, and provided further that the said Patrick Ginley shall first waive all claim to compensation from the time of his said dismissal to the time of his reinstatement.

§ 3. This act shall take effect immediately.

Chap. 32.

AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of Henry S. Dermott, as sole surviving executor of the last will and testament of Stephen C. Dermott, deceased, against the state for damages alleged to have been sustained by the said Stephen C. Dermott, deceased, and to render judgment therefor.

Became a law, February 24, 1900, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Jurisdiction is hereby conferred upon the court of claims to hear, audit and determine the alleged claim of Henry S. Dermott, as sole surviving executor of the last will and testament of Stephen C. Dermott, deceased, against the state of New York, for damages alleged to have been sustained by the said Stephen C. Dermott, deceased, claimant's testator, by reason of the state of New York, through its canal commissioners, annulling and abrogating a grant heretofore made to the predecessors in interest of the said *claimant's testator, by the state of New York through its canal commissioners, pursuant to and by virtue of the power and authority conferred upon them by chapter two hundred and seventy of the laws of eighteen hundred and twenty-two and chapter one hundred of the laws of eighteen hundred and twenty-seven; and to make an award and render judgment therefor against the state of New York and in favor of the said claimant.

Jurisdiction to hear claim.

§ 2. No award shall be made or judgment rendered herein against the state, unless the facts proved shall make out a case against the state, which would create a liability, were the same established in evidence in a court of law or equity against an individual or corporation; but the said court of claims in dealing with the said alleged claim is authorized to consider and pass upon all the equities attached to the said alleged claim, and in case it shall satisfactorily appear to the said court of claims upon a full disclosure of all the circumstances surrounding the said claim, that damages have been sustained by the said

Award or judgment.

Stephen C. Dermott, claimant's testator, by reason of the matters embraced within the said laws and growing out of the alleged grant made pursuant thereto, and the alleged annulment and abrogation of the said grant by the state of New York through its canal commissioners, for which in justice and equity, relief in damages should be granted, then the court of claims is further authorized to determine the amount of damages so sustained by the claimant's testator, Stephen C. Dermott, and the said court of claims may then award to and render judgment against the state of New York and in favor of the said claimant for such sum as shall be just and equitable, notwithstanding the lapse of time since the accruing of damages, provided the claim hereunder is filed with the court of claims within one year after the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 33.

AN ACT to authorize the Hudson River Water Power Company to erect and maintain a dam across the Hudson river, between Glens Falls and Palmers Falls.

Became a law, February 24, 1900, with the approval of the Governor.

Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Erection
and main-
tenance of
dam.

Section 1. The Hudson River Water Power Company, a corporation organized under the laws of the state of New York, which has acquired the riparian rights along both sides of the Hudson river, from a point thereon which marks the dividing line between the farms formerly owned or occupied by Jacob A. Sisson and Samuel Torrent, prolonged across said river, up said river to lands owned by the International Paper Company near Palmers Falls, is hereby given the right to erect and forever maintain a dam to such height as will fully utilize the fall of said river upon the lands of said company across the Hudson river at any point between the upper and lower lines of said property or riparian rights, thus owned by it, where the ends of such dam can be located wholly upon the property owned by said company; and is given the right to forever flow back up said river from

said dam, when erected, to form and maintain the pond necessary to utilize said dam, and to erect and maintain all appliances and works necessary or proper to be used in connection with said dam and the power formed thereby; and any interest of the state in the lands under the waters of said river, that shall be covered by said dam and works, or that shall be flooded by the erection of such dam, is hereby granted to said company.

§ 2. This act shall not give any right to said company to divert any water from said river, other than such right as now belongs to it as a riparian owner, nor any right to injure, by flooding or otherwise, any private property, other than its own; and such dam when erected shall have suitable and proper spill ways to enable the floating of logs down said river as the custom, has heretofore existed among lumbermen on said Hudson river.

Rights
restricted.

Spill ways.

§ 3. This act shall take effect immediately.

Chap. 34.

AN ACT to confirm the title to lands in the city of New York conveyed by The Congregation Chaari Zedek, a religious corporation organized under the laws of the state of New York, by ratifying, validating and confirming the deed of said religious corporation dated May twenty-fifth, eighteen hundred and ninety-nine.

Became a law, February 24, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The conveyance by "The Congregation Chaari Zedek," a religious corporation organized under the laws of the state of New York, by certificate filed January fourteenth, eighteen hundred and forty, otherwise known as "The Congregation Shira Sadeck," of the following described premises: All those certain lots of land, situate, lying and being in the borough of Manhattan, city of New York, on the southerly side of Eighty-eighth street, beginning at a point one hundred and eighty-four feet five and one-third inches west of the corner formed by the intersection of the southerly side of Eighty-eighth street and the westerly side of Park avenue as now laid out; running thence

Conveyance
confirmed.

westwardly along the southerly side of Eighty-eighth street fifty-one feet one and one-third inches; thence southwardly parallel with Park avenue, one hundred feet eight and one-half inches to the centre line of the block; thence eastwardly along the centre line fifty-one feet one and one-third inches, and thence northwardly and parallel with Park avenue, one hundred feet eight and one-half inches to the southerly side of Eighty-eighth street at the point or place of beginning, be said dimensions and distances more or less, pursuant to an order of the New York supreme court of the state of New York, for the county of New York, of the twelfth day of May, eighteen hundred and ninety-nine, unto Mary Ehrmann, by deed dated May twenty-fifth, eighteen hundred and ninety-nine, and recorded in the office of the register of the county of New York, on the twenty-sixth day of May, eighteen hundred and ninety-nine, in Block Series of Conveyances, section five, liber fifty-eight, page four hundred and fifty-three, and indexed under block number fourteen hundred and ninety-nine on the land map of the city of New York, is hereby consented to, validated, ratified and confirmed, and said Congregation Chaari Zedek is hereby authorized to execute and deliver to said Mary Ehrmann or her grantee a deed in confirmation thereof.

Repeal.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 35.

AN ACT amending chapter two hundred and sixty-two of the laws of eighteen hundred and sixty-nine, in relation to the trustees of the Wadsworth library at Geneseo, New York.

Became a law, February 24, 1900, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section one of chapter two hundred and sixty-two of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the trustees of the Wadsworth library," is hereby amended to read as follows:

§ 1. William A. Wadsworth, James W. Wadsworth, John M. Milne, Walter E. Lauderdale and William A. Brodie and their successors, are hereby created and declared to be a body corporate by the name and style of "the trustees of the Wadsworth Library," by which name they and their successors may sue and be sued, plead and be impleaded, contract and be contracted with, and be known in all courts and places, and may also have a common seal and change and alter the same at pleasure, and shall have the general powers and privileges and be subject to the liabilities of corporations prescribed by the statutes of this state. Said trustees shall consist of not to exceed five members.

§ 2. This act shall take effect immediately.

Incorporators.

Corporate name and powers.

Number of trustees.

Chap. 36.

AN ACT to authorize the agent and warden of Sing Sing state prison to sell certain goods purchased by him, and to pay the proceeds of such sale on account of the purchase price of such goods.

Became a law, February 24, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The agent and warden of the state prison at Sing Sing, is hereby authorized and empowered, upon the approval of the superintendent of state prisons first given, to sell at public or private sale, for the best price he can obtain, the cloths purchased by him from James Roy and Company. Such sale shall be made for cash and the proceeds thereof, when received by him, shall be kept by said agent and warden in a special fund, apart from any other funds under his control, and shall be paid by him to James Roy and Company, on account of the purchase price of such goods, upon audit and allowance of said account by the comptroller of the state. If such account, as audited and allowed by the comptroller including interest thereon, shall exceed the amount realized from such sale of said cloths, the whole sum realized from such sale, shall be applied upon said bill so audited and allowed, but if the same shall not exceed the amount so realized on such sale of said cloths, then

Sale of goods authorized.

Payment of proceeds.

only the amount so audited and allowed by the comptroller shall be so paid, and any balance of such proceeds remaining in the hands of said agent and warden shall be deposited by him in the capital fund of the state prisons.

§ 2. This act shall take effect immediately.

Chap. 37.

AN ACT authorizing the directors and stockholders of the Hollister Lumber Company, Limited, to execute and file and have recorded a certificate or certificates of extension of the time of the corporate existence of said company.

Became a law, February 24, 1900, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Execution
and filing
of certifi-
cates.

Section 1. The directors and stockholders of the Hollister Lumber Company, Limited, a domestic corporation, the term of existence of which expired on the eleventh day of January, eighteen hundred and ninety-eight, are hereby authorized, at any time within six months after this act shall take effect, to execute, and file and have recorded, any certificate, or certificates required to extend the corporate existence of said company for a term not exceeding forty years, with the same force and effect as though the same had been executed and filed and recorded prior to the time when the corporate existence of said company expired. Said certificate, or certificates, shall be in the form required by the general statutes of the state for such purpose, and said company shall pay for such recording and extension all fees required under said statutes. The secretary of state and county clerk of the proper county are hereby severally directed to file and record said certificate, or certificates, as though the same had been filed prior to the time when the corporate existence of said company expired.

Rights,
privileges
and liabili-
ties.

§ 2. The said corporation, after the execution and filing of the certificate or certificates mentioned in section one, shall continue to be possessed and seized of all the property and be vested with all the rights and privileges had, possessed, seized and enjoyed

by the said Hollister Lumber Company, Limited, at any time prior to the eleventh day of January, eighteen hundred and ninety-eight, and subject to the same liabilities and restrictions provided by law.

§ 3. All the acts, transactions and proceedings of the said Hollister Lumber Company, Limited, and of the officers and directors thereof in transacting the business of and making contracts in behalf of said company, from the said eleventh day of January, eighteen hundred and ninety-eight, to the date of the passage of this act are hereby legalized and made as valid and legal as though the existence of said corporation had been extended from said eleventh day of January, eighteen hundred and ninety-eight, according to law, and was in full force and effect at the time such acts, transactions, proceedings and contracts aforesaid were made and entered into, provided that this section shall not affect any action or proceeding commenced prior to the passage of the same.

Acts and proceedings legalized.

Proviso as to pending actions.

§ 4. This act shall take effect immediately.

Chap. 38.

AN ACT to amend chapter five hundred and eighty-eight of the laws of eighteen hundred and ninety-eight relative to county buildings in the county of Nassau and the providing of funds for the payment therefor.

Became a law, February 24, 1900, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifteen of chapter five hundred and eighty-eight of the laws of eighteen hundred and ninety-eight, entitled "An act to erect the county of Nassau from the territory now comprised within the limits of the towns of Oyster Bay, North Hempstead and Hempstead, in the county of Queens," is hereby amended so as to read as follows:

Act amended.

§ 15. 1. The county buildings of the county of Nassau shall be located either within one mile of the present station of the Long Island Railroad Company at the village of

Location of county buildings.

Hempstead, or within one mile of the present station of the Long Island Railroad Company at Hicksville, or within one mile of the present railroad station of the Long Island Railroad Company at Mineola. And for the purpose of raising funds to be applied either toward the purchase of a suitable site for said county buildings or toward the erection and completion thereof, the board of supervisors of said county of Nassau are hereby authorized and empowered to sell and convey any and all lands and real estate of which said county of Nassau is seized as successor in title to the county of Queens and to give good and sufficient conveyance thereof; such sale or sales to be made by said board of supervisors in such manner and upon such terms as to it shall be deemed to the best interests of said county.

Submission
of question.

2. The question of the location of such buildings at one of the places above named shall be voted upon by the electors of the said towns of Oyster Bay, North Hempstead and Hempstead, at the general election of eighteen hundred and ninety-eight by ballot. That location of the three above named which shall receive the largest number of ballots shall be adopted as the seat of the county buildings of the said county.

§ 2. This act shall take effect immediately.

Chap. 39.

AN ACT to legalize, ratify and confirm conveyances of lots heretofore made by the Painted Post Cemetery Association in the village of Painted Post.

Became a law, February 24, 1900, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The conveyances of lots in the cemetery of the Painted Post Cemetery Association heretofore made and signed by the president and secretary or the vice-president and secretary are hereby legalized, ratified and confirmed, and shall be of the same force and effect as if they had been signed by the president and treasurer, or vice-president and treasurer of said association, as required by law.

§ 2. This act shall take effect immediately.

Chap. 40.

AN ACT to enable the Painted Post Cemetery Association of Painted Post, Steuben county, New York, to acquire control of the old burying ground at Painted Post.

Became a law, February 24, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The Painted Post Cemetery Association of Painted Post is hereby authorized and empowered to take charge of the old burying ground at Painted Post, bounded on the north by Steuben street, on the east by the lands of the Painted Post Cemetery Association, on the south by lands of Milton Dubois, and on the west by High street, to improve the same and control the burial of the dead therein and to do all other things with or on the same as may be determined from time to time by a majority of the trustees.

Acquisition
of control
of burying
ground.

§ 2. All the rights heretofore acquired by the persons using said burying ground for burial purposes are reserved to them and their heirs, subject to the foregoing section of this act.

Rights
reserved.

§ 3. This act shall take effect immediately.

Chap. 41.

AN ACT for the incorporation of The International Supreme Lodge of the Independent Order of Good Templars.

Became a law, February 24, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Joseph Malins, George F. Cotterill, D. O. Mackellar, Jessie Forsyth, Benjamin F. Parker, W. Martin Jones, Delos M. Mann, F. B. Boyce, John Fox Smith, Charlotte A. Gray, D. C. Cameron, Peder Svendsen, George Irving, Emily Lindquist, James Yeames, S. B. Chase, R. Semple, Dr. Oronhyatekha, George W. E. Hill, August Forel, Alfred C. Clausen, Edward Wavrinsky, Victor

Incorporators.

Holmes, Annie M. Saunders, Uriah Copp, Theodore D. Kanouse, F. N. Spence, George Spence, Williard O. Wylie, Thomas Nixon, O. W. Blain, J. H. Durkee, Andrew A. Scott, James Wright, John E. West, Edgar S. Marvin, DeWitt Hooker, I. C. Andrews, Willis P. Hendrick, Harry Wellman, L. L. Gillett, Alfred Backus, W. H. Lambly, Chauncey H. Hayden, A. J. Wheeler, Samuel D. Hastings, William H. Clark, Eugene H. Chafin and all persons who now are or may hereafter become, associated with them or their successors are hereby constituted a body politic and corporate by the name and title of the "International Supreme Lodge of the Independent Order of Good Templars" and as such shall have perpetual succession and be able to sue and be sued in all courts of record and elsewhere and they and their successors may have and use a common seal and alter and renew the same at pleasure and for the purpose of their incorporation as hereinafter named and for no other purpose, to purchase and receive, take and hold lands, tenements and hereditaments, goods, money, chattels and all kinds of estate which they may obtain by gift, grant, devise or bequest in any last will or testament, so far as the laws of this state in regard to devises will permit, and the same to sell, alien, devise or convey as the interests of said organization may require. Provided, always, that the clear yearly income of the real and personal estate held by the said corporation shall not, at any time, exceed the sum of two hundred thousand dollars.

Corporate
name and
powers.

Objects of
corporation.

Office and
agency.

§ 2. The object of said organization shall be the promotion of the cause of total abstinence from the use of, and the traffic in, intoxicating beverages, and the publication and dissemination by sale and otherwise, of books, tracts, periodicals or other printed matter relating to the same. Said corporation shall always maintain an office and agency within the state of New York. It shall have the privilege of changing the same by vote of its executive committee from one point in the state to another at the election of said executive committee. At the present time and until further action by its executive committee its principal business office in the state of New York and headquarters for the transaction of business as a state corporation, shall be in the city of Rochester.

Rules and
by-laws.

§ 3. The said corporation from time to time may adopt such constitution, rules and by-laws for carrying into effect the objects stated in section second and for defining terms of membership, the election and appointment of agents of the corporation with suit-

able compensation for services which shall not be inconsistent with the laws of this state or of the United States.

§ 4. The management and disposition of the affairs of this organization shall be vested in such officers and board of managers, to be known as an executive committee, as may be elected or appointed from time to time in the mode provided in the constitution and by-laws of the said organization, and who shall hold their offices until others are elected or appointed in their stead. Executive committee.

§ 5. Said corporation shall have the right, power and authority under the direction of its executive committee and officers and in accordance with its rules and constitution, to extend its work into other territory subject in all cases to the laws of such territory and country wherever it may be engaged in its missionary labors, the objects and purposes of said association being to promote the cause of total abstinence from intoxicating beverages and the education of people to that end. Extension of work.

§ 6. Said corporation shall be entitled to all the rights, privileges and immunities and subject to all the liabilities and restrictions which are granted, imposed or required by the general laws of the state in reference to corporations. Application of general laws.

§ 7. This act shall take effect immediately.

Chap. 42.

AN ACT to amend the banking law relative to securities in which deposits in savings banks may be invested.

Became a law, February 26, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision six of section one hundred and sixteen of chapter six hundred and eighty-nine of the laws of eighteen hundred and ninety-two, entitled "An act in relation to banking corporations," as amended by chapter eight hundred and thirteen of the laws of eighteen hundred and ninety-five, chapter two hundred and thirty-six of the laws of eighteen hundred and ninety-eight, and chapter three hundred and eighty-six of the laws of eighteen hundred and ninety-nine, is hereby further amended so as to read as follows: Banking law amended.

Investment
of deposits.

Subdivision 6. In bonds and mortgages on unincumbered real property situated in this state, worth at least twice the amount loaned thereon. Not more than sixty-five per centum of the whole amount of deposits shall be so loaned or invested. If the loan is on unimproved and unproductive real property, the amount loaned thereon shall not be more than forty per centum of its actual value. No investment in any bonds and mortgage shall be made by any savings bank except upon the report of a committee of its trustees charged with the duty of investigating the same, who shall certify to the value of the premises mortgaged or to be mortgaged, according to their best judgment, and such report shall be filed and preserved among the records of the corporation. Also in the first mortgage bonds of any railroad corporation of this state, the principal part of whose railroad is located within this state; or of any railroad corporation of this and any other state or states connecting with and controlled and operated as part of the system of any such railroad corporation of this state, and of which connecting railroad at least a majority of its capital stock is owned by such a railroad corporation of this state, or in the mortgage bonds of any such railroad corporation of an issue to retire all prior mortgage debt of such railroad companies respectively; provided that at no time within five years next preceding the date of any such investment shall such railroad corporation of this state or such connecting railroad corporation respectively have failed regularly and punctually to pay the principal and interest of all its mortgage indebtedness, and in addition thereto regularly and punctually to have paid dividends upon all its outstanding capital stock during the preceding five years, at the rate of not less than four per centum per annum; and provided, further, that at the date of every such dividend the outstanding capital stock of such railroad corporation, or such connecting railroad company respectively shall have been equal to at least one-half of the total mortgage indebtedness of such railroad corporations respectively, including all bonds issued or to be issued under any mortgage securing any bond in which such investment shall be made. Also in the mortgage bonds of the following railroad corporations: The Chicago and Northwestern railroad company; Chicago, Burlington and Quincy

railroad company; Michigan Central railroad company; Illinois Central railroad company; Pennsylvania railroad company; Delaware and Hudson canal company; Delaware, Lackawanna and Western railroad company; New York, New Haven and Hartford railroad company; Boston and Maine railroad company; Maine Central railroad company; the Chicago and Alton railroad company. Provided that at the time of making such investment the said railroads shall have earned and paid regular dividends of not less than four per centum per annum in cash on all their issues of capital stock for the ten years next preceding such investment, and provided the capital stock of any of said railroad corporations shall equal or exceed in amount one-third of the par value of all its bonded indebtedness; and further provided that all bonds hereby authorized for investments shall be secured by a mortgage which is a first mortgage on either the whole or some part of the railroad and railroad property actually in the possession of and operated by such company, or that such bonds shall be mortgage bonds of an issue to retire all prior mortgage debt of such railroad company; also in the first mortgage bonds of the Fonda, Johnstown and Gloversville railroad company, or in the mortgage bonds of said railroad company of an issue to retire all prior mortgage debts of said railroad company, and provided the capital stock of said railroad company shall equal or exceed in amount one-third of the par value of all its bonded indebtedness; and provided, also that such railroad be of standard gauge of four feet, eight and one-half inches. Not more than twenty per centum of the whole amount of deposits of any bank shall be loaned or invested in railroad bonds, and not more than five per centum of the deposits of any bank shall be invested in the bonds of any one railroad. Street railroad corporations shall not be considered railroad corporations within the meaning of this subdivision.

Limitation
of invest-
ments in
railroad
bonds.

§ 2. This act shall take effect immediately.

Chap. 43.

AN ACT to legalize and confirm the official acts of Howard N. Babcock, a commissioner of deeds.

Became a law, February 26, 1900, with the approval of the Governor.
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Official acts
legalized.

Section 1. The official acts of Howard N. Babcock, a commissioner of deeds appointed in and for the city of Syracuse, in the county of Onondaga, and duly commissioned, which acts have been performed since the thirtieth day of January, eighteen hundred and ninety-nine, and before the sixth day of January, nineteen hundred, so far as such acts may be affected, impaired or questioned by reason of the failure of said Howard N. Babcock to make seasonable application for reappointment, wherein he has acted in good faith, are hereby legalized and confirmed, and made as effectual and valid as if said commissioner of deeds had been reappointed on the said thirtieth day of January.

Pending
actions not
affected.

§ 2. Nothing in this act contained shall affect any legal action now pending.

§ 3. This act shall take effect immediately.

Chap. 44.

AN ACT to authorize the board of estimate and apportionment of the city of New York to release the interest of the city of New York in and to certain lands in the borough of Brooklyn, in said city.

Accepted by the city.

Became a law, February 26, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Authority
to release
interest in
lands.

Section 1. The board of estimate and apportionment of the city of New York is hereby authorized and empowered for such consideration as it may deem proper and advisable to release by quit-

claim deed, the right, title and interest of said city in and to the premises situate in the borough of Brooklyn, county of Kings, city and state of New York, bounded and described as follows: Beginning at a point where the easterly line or side of Bushwick avenue is intersected by the southerly line or side of Noll street, running thence westerly along the southerly line or side of Noll street, eight inches more or less, thence southerly along the easterly line of Bushwick avenue fifty feet four and one-half inches; thence easterly at right angles to Bushwick avenue, eight inches more or less and thence northerly along the easterly line or side of Bushwick avenue fifty feet, four and one-half inches to the point or place of beginning.

§ 2. This act shall take effect immediately.

Chap. 45.

AN ACT to extend the time within which the Buffalo Gardenville and Ebenezer railway shall finish its road and put it in operation beyond its present construction and operation.

Became a law, February 27, 1900, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The time within which the Buffalo, Gardenville and Ebenezer railway shall finish its road and put it in operation, beyond its present construction and operation, is hereby extended for five years from and after the tenth day of February, nineteen hundred, and no prejudice to the corporate existence and powers of the company under its charter or articles of association shall arise on account of its non-completion or operation of the road within the time prescribed by law.

§ 2. This act shall take effect immediately.

Chap. 46.

AN ACT to amend section two hundred and thirty-three of chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," in relation to the protection of the public health.

Accepted by the city.

Became a law, February 27, 1900, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

Section 1. Section two hundred and thirty-three of chapter one hundred and five of the laws of eighteen hundred and ninety-one is hereby amended so as to read as follows:

Ordinance for protection of public health, etc.

§ 233. The commissioner is hereby authorized and directed to prepare such ordinances as he shall deem to be required for the protection of the public health, and for securing the proper registration of births, marriages, deaths and such other statistical information as may be necessary for the efficient working of the department, with penalties for their violation, which ordinances, when approved by the board, shall be by him submitted to the common council; and when approved by said common council, shall have the same force and effect as other ordinances of the city. Whenever the board of health shall declare that rabies is prevalent in the city or in the vicinity thereof, the commissioner shall prepare ordinances prescribing the conditions under which dogs may be kept, brought or allowed to be within the city, and providing for the destruction of dogs suffering from rabies and to prevent the spread of the disease, with penalties for their violation, which ordinances, when approved by the board, shall be by the commissioner submitted to the common council, and when approved by the said common council, shall have the same force and effect as other ordinances of the city, anything in this act contained to the contrary notwithstanding; and in addition to the other penalties prescribed for a violation thereof, such ordinances may further provide that any dog kept, brought or being within the city contrary to the provisions thereof shall be a public nuisance and a menace to the public health and may be destroyed or otherwise disposed of as prescribed in such ordinance.

When rabies is prevalent.

No ordinance so prepared and approved as in this section provided shall be repealed or amended without the approval of the health commissioner and board of health, and the common council shall adopt no ordinance relating to or governing the matters and things contained in this title, unless the same shall be recommended by the health commissioner and board of health.

Repeal or amendment of ordinance.

§ 2. This act shall take effect immediately.

Chap. 47.

AN AOT to enable the police commissioners of the city of New York to rehear and determine the charges against William W. O'Connor, a policeman of the third grade, for re-instatement, in said department.

Accepted by the city.

Became a law, February 27, 1900, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The police commissioners of the city of New York are hereby authorized in their discretion to rehear the charges upon which William W. O'Connor, formerly a policeman of the third grade, claims to have been unlawfully and unjustly dismissed from said department, and if upon a review of all the evidence, the said police commissioners shall determine that the dismissal of said William W. O'Connor was illegal or unjust, the said police commissioners shall reinstate said William W. O'Connor as a policeman of the third grade, providing the said William W. O'Connor shall waive in writing all claim against the city of New York for his back pay. And if the said police commissioners shall determine that the said William W. O'Connor was illegally or unjustly dismissed, they shall allow him the whole of his time since such dismissal to be applied on his time of service in said department, and shall allow him such other or further relief as they may determine just; or if they determine from the evidence that said dismissal was legal and just, they shall affirm said dismissal subject to the right of review by the appellate division of the supreme court on certiorari as provided in such cases.

Rehearing of charges authorised.

Reinstatement of policeman.

§ 2. This act shall take effect immediately.

Chap. 48.

AN ACT to increase the territory of the village of Irvington, by including therein the property owned by the village for its waterworks, and some parcels of other land.

Became a law, March 1, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Territory
added to
village.

Description.

Section 1. The following described property is hereby added and included in the village of Irvington, and said territory hereinafter described is hereby constituted and declared to be a part of the municipal corporation of the village of Irvington, and said territory shall be and is hereby declared to be subject to all the rights and privileges and duties and liabilities, the same as though said territory had been originally incorporated within the lines of the said village when it was originally incorporated. The said territory added to the village of Irvington is bounded and described as follows: Beginning at the northeast corner of the village of Irvington as heretofore existing, which corner is also the southeast corner of the village of Tarrytown, New York, and is in the centre line of the highway leading from Broadway to Sullivan's Corners, or East Irvington, and running thence easterly with the centre line of said highway to a point about fifty feet west from the store of John M. Sullivan and in range with the east line of land of the estate of George D. Morgan, deceased; thence southwesterly and then southeasterly with the east line of land of the estate of George D. Morgan, deceased, to the northerly line of the land of Mrs. Mary E. Eddison, formerly of John E. Williams; thence easterly with the north line of land of Mrs. Mary E. Eddison to the centre line of the highway known as the Peter Bont, or Hill road; thence southeasterly, easterly, northeasterly and again southeasterly with the centre line of said highway to the easterly exterior line of the property of the New York and Northern, or New York and Putnam Railway Company; thence southerly with the said easterly line of said railway property to the northwest corner of the village of Ardsley, New York, at a point in range of the south face of the dam of Howland pond, or

Woodlands lake; thence continuing southerly with said railway line to the northeast corner of the village of Dobbs Ferry, New York; thence westerly along the north line of said village to a stone monument in the southeast corner of the village of Irvington as heretofore existing; thence northerly along the east line of said village as heretofore existing, to the place of beginning, and including all the lands within said bounds.

§ 2. This act shall take effect immediately.

Chap. 49.

AN ACT to amend chapter one hundred and forty-five of the state charities law relating to oaths and bonds of managers and superintendents of houses of refuge and reformatories for women.

Became a law, March 1, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and forty-five of the state charities law is hereby amended to read as follows:

§ 145. Oaths and bonds.—Each manager and superintendent of such institutions shall take the constitutional oath of office and each superintendent shall execute a bond to the people of this state in the sum of five thousand dollars with sureties approved by the state comptroller, which shall be filed in the office of the comptroller. The manager appointed as treasurer of such institution shall give a bond in such amount as the comptroller may direct. The comptroller may require other officers of such institutions to give a bond if in his opinion the interests of the state demand it.

§ 2. This act shall take effect immediately.

Chap. 50.

AN ACT to release to Barbara Spitz the right, title and interest of the people of the state of New York to certain real estate situate in the city of Rochester, county of Monroe, New York.

Became a law, March 1, 1900, with the approval of the Governor.
Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Interest of
state
released.

Section 1. All the estate, right, title and interest of the people of the state in and to all that certain piece or parcel of land situate in the city of Rochester, formerly in the town of Gates and described as the north one-half of the south one-half of the tract of land conveyed by George Hertel and Philip Hertel and their wives by deed January eight, eighteen hundred and forty-six, to John Reis, first party hereto, which said deed conveyed lot number thirty-one and the north one-half of lot number thirty-two as described upon a map of lot number sixty-six made by Silas Cornell, October second, eighteen hundred and thirty-eight and filed in Monroe county clerk's office, excepting, however, that much of said lot as was taken by the city of Rochester for the purpose of laying out Reis park and excepting however, all that tract or parcel of land described as follows: Beginning on the west line of Reis park where it intersects with the north line of premises conveyed to said Barbara Spitz, nee Baeslin, by order of Honorable W. Dean Shuart, surrogate, which is recorded in liber three hundred and fifty-four of deeds, page three hundred and sixty-three; thence southerly on the west line of Reis park thirty-seven feet, more or less to the south line of said premises; thence westerly on the south line of premises so conveyed one hundred and twenty feet more or less to the west line thereof; thence northerly on the said west line thirty-seven feet more or less, to the north line thereof; thence easterly on the said north line one hundred and twenty feet more or less to the place of beginning, is hereby released to Barbara Spitz of the city of Rochester, county of Monroe, and her heirs and assigns forever.

Rights,
etc., not
affected.

§ 2. Nothing herein contained shall be construed to impair, release or discharge any claim, right or interest of any heir at law, devisee or grantee, purchaser or creditor by judgment,

mortgage or otherwise in and to said premises or any part or parcel thereof.

§ 3. This act shall take effect immediately.

Chap. 51.

AN ACT to release to Frank Fehrenbach the right, title and interest of the people of the state of New York to certain real estate situate in the city of Rochester, county of Monroe, New York.

Became a law, March 1, 1900, with the approval of the Governor.
Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All the estate, right, title and interest of the people of the state in and to all that certain piece or parcel of land situate in the city of Rochester, formerly in the town of Gates and described as follows: Beginning on the west line of Reis park where it intersects with the north line of premises conveyed to said Barbara Spitz, nee Baeslin, by order of Honorable W. Dean Shuart, surrogate, which is recorded in liber three hundred and fifty-four of deeds, page three hundred and sixty-three; thence southerly on the west line of Reis park thirty-seven feet more or less to the south line of said premises; thence westerly on the south line of premises so conveyed one hundred and twenty feet more or less to the west line thereof; thence northerly on the west line thirty-seven feet more or less, to the north line thereof; thence easterly on the said north line one hundred and twenty feet more or less to the place of beginning, is hereby released to Frank Fehrenbach of the city of Rochester, county of Monroe, and his heirs and assigns forever.

Interest of
state
released.

§ 2. Nothing herein contained shall be construed to impair, release or discharge any claim, right or interest of any heir at law, devisee or grantee, purchaser or creditor by judgment, mortgage or otherwise in and to said premises or any part or parcel thereof.

Rights,
etc., not
affected.

§ 3. This act shall take effect immediately.

Chap. 52.

AN ACT to authorize the city of Utica to borrow money for new schools and to issue bonds therefor.

Accepted by the city.

Became a law, March 1, 1900, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Issue of
corporate
bonds.

Section 1. The common council of the city of Utica is hereby authorized to borrow money and to issue the corporate bonds of the said city for the sum of forty-nine thousand dollars, for the purpose of raising the sum of nineteen thousand dollars, voted at the annual election of eighteen hundred and ninety-nine, to repair the old academy building, and also the further sum of thirty thousand dollars voted at the annual election of eighteen hundred and ninety-nine, for the erection of a new school building in East Utica.

Bonds,
when pay-
able, etc.

§ 2. The said bonds shall be made payable at such times and in such amounts as may be ordered by the common council, but none of them shall run for more than twenty years. They shall be signed by the mayor and clerk, and shall bear annual interest at a rate not exceeding five per centum per annum.

Sale and
application
of proceeds.

§ 3. Said bonds shall not be sold at less than par, and out of the proceeds thereof the sum of nineteen thousand dollars shall be set apart as a separate fund to be drawn upon and used by the board of commissioners of common schools of said city for the purpose of repairing the old academy building in said city, and the sum of thirty thousand dollars shall be set apart by the treasurer of said city as a separate fund to be drawn upon and used by said board of commissioners of common schools for the purpose of erecting a new school building in East Utica. Any premium received for said bonds shall be paid into the respective special funds hereby created. Any and all sums remaining in either of said funds after the completion of the purposes for which said funds were created, and the payment of the obligations thereby incurred, shall be transferred by said city treasurer and said board from said special fund to the contingent fund, so-called, of said board, for the uses and purposes of said fund.

§ 4. The common council shall raise each year in the annual city tax levy, such sums as shall be necessary to pay the amounts of principal and annual interest falling due during the ensuing year, on the bonds provided for in this act. Tax for principal and interest.

§ 5. This act shall take effect immediately.

Chap. 53.

AN ACT to change the name of "The First Baptist Church in Mechanicville, New York," to "The Memorial Baptist Church of Mechanicville, New York."

Became a law, March 1, 1900, with the approval of the Governor.
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The name of "The First Baptist Church in Mechanicville, New York," a religious corporation, is hereby changed to "The Memorial Baptist Church of Mechanicville, New York," and as such shall enjoy and exercise all the rights and powers it has heretofore possessed. Name changed.

§ 2. Nothing herein contained shall in any way impair or affect any contract, liability, obligation or duty of said corporation, made, entered into or incurred before the passage of this act, with or to any person or persons, corporation or corporations, or of any person or persons, corporation or corporations, with or to said corporation, or any proceedings instituted, or that may be instituted, to enforce any contract, obligation, liability, or duty in favor of or against said corporation; but any and all such contracts, obligations, liabilities, duties and proceedings shall be and remain valid and binding in all respects to the same extent and liable to be enforced by and against said corporation by the name of "The Memorial Baptist Church of Mechanicville, New York," in the same manner as if the alteration contained in this act had not been made. Contract, etc., not affected.

§ 3. This act shall take effect immediately.

Chap. 54.

AN ACT to authorize the transfer of the control of Canandarque Academy, with its property and the trusts pertaining to it, to "The Board of Education of Union Free School District Number One of the Town of Canandaigua."

Became a law, March 1, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Transfer of
property.

Section 1. It shall be lawful for the trustees of the Canandarque Academy, or a majority of them, to transfer all the property, rights, powers and authority of the trustees of such academy to The Board of Education of Union Free School District Number One of the Town of Canandaigua, whenever such board of education shall be thereto authorized by the voters of such district, as hereinafter provided. Such transfer shall be made by a resolution to that effect passed by the board of trustees of Canandarque Academy, attested by the signatures of the president and secretary of such board, and filed and recorded in the office of the clerk of the county of Ontario. Upon filing such resolution the offices of the present board of trustees of such academy shall become vacant, and the board of education shall be vested with all the property, rights, privileges and powers of trustees of the Canandarque Academy, and shall be subject to all the duties, liabilities and obligations theretofore resting upon the trustees whose offices shall have been vacated as aforesaid, and such board of education shall thereafter continue to exercise and perform the same in all respects and with the same authority and power as such former trustees. The said academy shall thereupon and thereafter become the academic department of such district under the name of the Canandaigua Academy; and it shall be lawful for the board of education to levy and collect taxes and expend the same for the support of such academy, subject to the provisions of law which now or may hereafter govern the levying and collection of taxes, and the expenditure thereof for the support and maintenance of the academic department of such district. The board of education

Property,
etc., vested
in board of
education.

Taxes for
support of
academy.

shall, in each year, set aside, out of any moneys in its treasury levied and collected for general school purposes, or received from invested funds, the sum of four hundred dollars, the same being the estimated average annual net income of ten thousand four hundred and three dollars and seventy-nine cents, for the purpose of enabling such board of education to perform its duties as trustees of said academy in complying with the terms of the deed of conveyance bearing date the first day of January, seventeen hundred and ninety-nine, given by Oliver Phelps to the trustees of Canandarque Academy as limited by a certain instrument under seal, bearing the same date, and signed by Oliver Phelps, which deed and instrument are recorded in Ontario county clerk's office in liber ten of deeds at page two hundred and ninety-eight, so long as the said board of education shall hold and occupy said property for educational purposes; and the said sum of four hundred dollars to be set apart annually as aforesaid, shall be applied as provided by said instrument of limitation for the application of the annual profits arising from the twenty-five hundred acres of land therein appropriated and set aside for particular educational purposes; and the property of said academy when transferred as herein provided to the control of said board of education, shall be considered in all proceedings hereafter relating to the same to include the sum of ten thousand four hundred and three dollars and seventy-nine cents heretofore estimated and declared by the trustees of said academy to be the amount of the proceeds of the sale of said twenty-five hundred acres of land mentioned in said deed and instrument of limitation.

Sum to be set aside annually to comply with terms of deed.

Application of proceeds

Property transferred to include proceeds of sale of land

§ 2. The question of said board of education of union free school district number one acquiring the control and management of said academy as provided in section one, of this act shall be submitted to a vote of the legal voters of such school district entitled to vote upon appropriations, at a special meeting to be called for that purpose by the board of education. At such meeting two ballots in the following form shall be supplied by such board to each voter: One, "For acquiring control of the Canandarque Academy." The other, "Against acquiring control of the Canandarque Academy." In case the majority of the votes cast shall be, "For acquiring control of the Canandarque Academy," the result of such vote shall be entered in

Question to be submitted to voters.

Trustees of
academy.

the records of the board of education, and thereupon, whenever the provisions of section one, of this act shall have been complied with by the trustees of the Canandarque Academy, the said board of education shall become and thereafter be the trustees of said academy as hereinbefore provided, and the powers, duties and obligations of the present trustees of such academy shall cease.

§ 3. This act shall take effect immediately.

Chap. 55.

AN ACT to confirm and legalize certain taxes and assessments in the city of Utica.

Accepted by the city.

Became a law, March 1, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Assessments legalized.—All assessments and taxes levied and assessed, or attempted to be made, levied and assessed for state, county or city purposes or local improvements heretofore made, levied and assessed in the city of Utica, and the official acts of the common council of said city, the board of assessors of said city, the city surveyor and street commissioner of said city, the freeholders of said city appointed by the common council to make any such assessments, the mayor and committee of the common council on assessments of said city, and chairman of said committee and the board of supervisors of Oneida county in relation thereto are hereby legalized, ratified and confirmed and declared to be valid and legal, notwithstanding any informalities or illegalities concerning the same; and all such assessments and taxes shall have full force, effect and validity as if the same had been legally made as provided by law.

§ 2. Nothing in this act contained shall affect any action or proceeding now pending, nor be construed to affect or legalize any agreement or compromise between the city of Utica and the Utica and Belt Line Street Railroad Company.

§ 3. This act shall take effect immediately.

Chap. 56.

AN ACT to correct and straighten the boundary lines of the Eighth and the Thirteenth wards of the city of Utica by annexing parts of the Fifth ward thereto.

Accepted by the city.

Became a law, March 1, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All that part of the fifth ward of the city of Utica as originally constituted, bounded and described as follows: Beginning at a point where the centre line of Rutger street intersects a line parallel with and three hundred feet easterly of the east line of Third street, thence westerly along the centre line of Rutger street to the centre of Ballou creek, thence northerly along the centre of Ballou creek, as it winds and turns, to the westerly line of the eighth ward, thence southerly along the westerly line of the eighth ward to the place of beginning is hereby annexed to, and shall be a part of, the eighth ward of said city. Territory annexed to eighth ward.

All that part of the fifth ward of the city of Utica as originally constituted, bounded and described as follows: Beginning at a point where the centre line of Rutger street intersects a line parallel with and three hundred feet easterly of the east line of Third street, thence southerly along said last mentioned line continued, parallel with and three hundred feet easterly of the east line of Third street to the centre of Ballou creek, thence westerly along the centre of Ballou creek, as it winds and turns, to the centre of Rutger street, thence easterly along the centre line of Rutger street to the place of beginning, is hereby annexed to, and shall be a part of the thirteenth ward of said city. Territory annexed to thirteenth ward.

§ 2. This act shall take effect immediately.

Chap. 57.

AN ACT to amend chapter one hundred and sixty of the laws of eighteen hundred and ninety-five, entitled "An act to revise, amend and consolidate the several acts relating to the village of Lansingburgh."

Became a law, March 1, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Village
charter
amended.

Section 1. Section fifteen of title three of chapter one hundred and sixty, of the laws of eighteen hundred and ninety-five, entitled "An act to revise, amend and consolidate the several acts relating to the village of Lansingburgh," is hereby amended so as to read as follows:

Village en-
gineer and
surveyor.

§ 15. Village engineer and surveyor.—Within ten days after the passage of this act, and annually thereafter, on the first Monday of April, the board of trustees shall meet and appoint a village engineer and surveyor, who shall be entitled to an annual salary to be fixed by said board, not to exceed one thousand two hundred dollars, payable monthly. Such engineer shall have and keep an office in said village, which shall be open at all reasonable times. It shall be his duty to make all surveys and maps and give all grades required by either the board of trustees, the water board, or the village attorney. It shall also be his duty to do all the surveying and engineering work and to make plans and draw specifications for all work ordered by either of said boards or as preliminary to any work. He shall under the direction of the water board have the general supervision of the construction of all sewers, and of the extension of the water pipes, mains or other enlargement, repair or improvement, as directed by said board, and he shall have like supervision under the direction of the board of trustees, of all paving, grading, or other work, in, or upon any of the streets, avenues, alleys, sidewalks, gutters or public places in said village, and shall make all preliminary surveys, maps and charts, and draw specifications, and make estimates of the expense of doing any work as called for by either of said boards. He shall keep in his said office a book of records, in

Duties.

which he shall enter the survey and maps of any street, avenue, alley or highway in said village, and the grade thereof, hereafter opened, extended or graded. Also a survey and map of all sidewalks and gutters with the grade thereof, and of all sewers, either crosstown, or laterals in alleys, or other places including all inlets thereto, hereafter constructed. Also of all water pipes and mains and hydrants and where laid and located. The said engineer shall see that the construction of all sewers, cesspools, catchbasins, drains, streets, avenues, alleys, roadways, sidewalks, gutters, docks and other public work, and the putting down of all water mains, pipes and hydrants, is properly done and completed, and that any contract therefor is properly performed and shall furnish to either of said boards a certificate in writing to that effect, whenever the same is so completed and performed. All papers, maps, charts, drawings, surveys and records and other property coming to his possession by virtue of his office, or made by him in the course of his duty therein, shall belong to said village. The term for which any such engineer and surveyor shall be appointed shall not extend beyond the first Monday in April in the year following such appointment. It shall be the duty of the engineer to make, under the direction of the board of trustees or of the water board, as the case may be, all preliminary assessments for improvements, and certify the same to said respective boards. It shall also be his duty to prepare and attend to the publication and service of all notices, required by this act to be published and served in the making of assessments for local improvements in said village, including street and avenue paving assessments, and to keep a separate record of each assessment, in which shall be entered the names of the persons and corporations assessed, and the amount thereof, also a brief description of the improvement and the lot or property assessed. He shall also keep in such record an account of all papers served, the date when, and upon whom, which shall be a permanent record. The trustees shall provide such engineer with an office in firemen's hall in said village and shall furnish and heat the same, and provide him with stationery, record books and such other articles as shall be necessary to his said office. The engineer to be appointed first under this act shall be appointed to serve until the first Monday in April in the year eighteen hundred and ninety-six.

Term of
office.

Duties as
to assess-
ments.

Office room.

First ap-
pointment.

§ 2. Section two, of title nine, of said act is hereby amended so as to read as follows:

Preliminary assessments for improvement.

§ 2. Whenever any improvement mentioned in the preceding section, other than the opening, widening, extending or altering of streets, avenues and alleys; or the construction of street and alley crossings; or the paving of any of the streets or avenues, shall be ordered by the board of trustees, they shall cause to be made an estimate of the expense of doing the same, and cause the same together with the expense of publishing the notices herein-after provided for, to be apportioned, and charge the same upon the property benefited thereby. In such case the said board shall make or cause to be made a list of such apportionment, in which shall be stated the names of the persons or corporations owning property in whole or in part chargeable with the expense of such improvement, if the names of the persons or corporations shall be known to them, and if not, then it shall be entered as chargeable to owners unknown. Also a description of the property, which shall be sufficient in case of lots if it gives the number of the lot and in what division of the village, as designated on the last map of the said village, and the name of the street or avenue where situated; also the amount chargeable to each person or corporation, shall be filed in the office of the village engineer, where it shall be open for ten days to the inspection of any person affected by such contemplated improvement. It shall be the duty of said board to give written or printed notice of such preliminary assessment, which shall refer to the resolution or ordinance by which said improvement is ordered, also the time during which, and the place where, the same can be inspected, and also the time when the board will meet to review and hear any person or corporation deeming themselves aggrieved thereby. Such notice shall, at least ten days before the time fixed for such meeting of the board, or at least ten days prior to any adjourned meeting of said board at which a hearing may be had, be served upon the person, persons or corporations named therein, either personally, or by leaving the same at their respective places of residence or business, unless such assessment shall be made against any property as owner unknown, in which event such notice shall be published once a week for two weeks in the official paper of said village, but in that case such notice shall be served in addition on all other persons named in said assessment, in the manner above

Notice of assessments and hearing.

provided; except that in case the owner does not reside in the village of Lansingburgh, said notice shall be sent to his or her last known post office address, by mail. The said board shall accordingly meet, and may adjourn, from day to day, or to some future day or days to be, from time to time, fixed by said board, if necessary so to do; and the provisions of this section shall apply to the service of such notices, and to the proceedings for confirmation of such assessments as have been already made, as well as to those to be hereafter made. At such meeting, or at an adjourned meeting, it shall be the duty of the said board to hear any persons interested in said assessment, and feeling themselves aggrieved thereby, and after such hearing, and due consideration of any and all objections, suggestions and arguments for or against such apportionment, it shall be their duty to equalize, correct and alter the same when improperly or erroneously applied or apportioned, by increasing or diminishing the respective amounts, as to them shall seem just and proper, which equalization, correction or alteration, if any shall be made, or if, in the judgment of the said board, after such hearing, the apportionment shall have been justly and equitably applied and apportioned as originally made, the boards shall confirm the same, and it shall thereupon become final and conclusive, and the persons, corporations and property charged with such improvement shall be subject to the payment of the respective amounts named therein, and the same shall be a lien upon the property and the real estate named and described in said assessment until the same shall be paid. Said assessment list with the warrant of the board attached thereto, shall be forthwith placed in the hands of the receiver of taxes, who shall proceed to collect the same in the same manner as village taxes are collected, and the same shall have the like effect, and be enforced in the same manner as such taxes, excepting that the receiver shall not be required to advertise the same unless such assessment or part thereof, shall be against owners unknown, nor shall he be required to post notices, as required by section eight of the act creating the office of receiver of taxes, as amended by chapter two hundred and twenty-one of the laws of eighteen hundred and seventy-six, but he shall forthwith, upon receiving any such assessment, give notice thereof to all persons and corporations named therein, by mailing the

Hearing of
persons
aggrieved.

Confirm-
ation of
assessment.

Collection
by receiver
of taxes.

Official
bond.

Deposit of
money
upon fares
to give
bond.

this title, and shall place to the credit of such funds all such moneys whether collected by him or received from the receiver of taxes, and the latter shall every twenty-four hours pay over to the treasurer all such moneys so received by him. The village treasurer shall execute to the village such additional and further bond, in cases of street paving, in such amount and with such sureties as the board of trustees may, from time to time, direct, and in case of his failure to give such bond or bonds, the moneys received from such taxes, assessments or on the sale of "assessment bonds," as hereafter provided, shall be immediately deposited in some incorporated bank, or banking-house in said village, subject to the audit of the board of trustees, signed by the president and countersigned by the village clerk.

§ 4. Section seven, of title ten, of said act is hereby amended so as to read as follows:

Issue of vil-
lage bonds.

§ 7. To provide means for the payment of the expense of any such improvement, provided for in this title, the board of trustees, after having contracted for such improvement, in the manner herein provided, is hereby authorized to borrow from time to time, upon the credit of the village, a sufficient sum to meet the payments required to be made under such contract, and to issue the bonds of said village therefor; such bonds shall be signed by the village president and countersigned by the village clerk, who shall attach thereto the village seal, and such bonds shall run for such time, or times respectively, as the board may direct, not exceeding twenty-five years, with interest not exceeding five per centum per annum, the same shall be known as "assessment bonds" and shall not be sold for less than par. They shall be sold on sealed proposals, or at public auction upon notice published in the official paper, if any, and also in each other newspaper actually printed in said village, and in such other newspapers as the board of trustees may determine, and posted in three public places in the village, at least ten days before the sale, to the person who will take them at the lowest rate of interest. The proceeds arising from such bonds shall be turned over to the village treasurer, provided he shall have given and filed the bond provided for by this title, if not, such proceeds shall be forthwith deposited in some incorporated bank or banking-house in said village, subject to the audit of the board,

Proceeds
of sale.

for the sole purpose of paying the cost and expense of such improvement.

§ 5. This act shall take effect immediately.

Chap. 58.

AN ACT to amend the charter of the village of Perry, Wyoming county, in regard to the authority of the board of trustees of said village in the control and supervision of the streets and highways of said village, and to further increase the bonding powers of the said village in the construction of a sewer system.

Became a law, March 1, 1900, with the approval of the Governor.
Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one, of title five, of chapter three hundred and thirty-five, of the laws of eighteen hundred and eighty-two; and section twelve of title nine, of chapter three hundred and thirty-five of the laws of eighteen hundred and eighty-two as amended by chapter twenty-four, of the laws of eighteen hundred and ninety-six, are hereby severally amended to read as follows:

§ 1. **Streets and highways.**—The said village of Perry is hereby declared a separate highway district, and the trustees thereof are vested with full power to lay out, open, widen, alter, or discontinue any street or highway in said village, in accordance with the provisions of chapter four hundred and fourteen of the laws of eighteen hundred and ninety-seven, known as the village law; provided, however, that said trustees shall have no control or supervision of highway bridges therein, or power to raise money to build or repair the same; but such bridges shall be subject to the control of the commissioner of highways of the town of Perry, with the same powers and duties in respect thereto, as if this act had not been passed.

§ 12. Said village shall have no power to borrow money, nor shall it be liable for, or to pay any money borrowed on its account or advanced in its behalf by its officers, or by any other person, nor shall any of its moneys or property be applied to any such purpose; but this section shall not be construed to prohibit

the borrowing of money, and the issue of bonds therefor, for the construction of a system of water works, in pursuance of chapter one hundred and eighty-one of the laws of eighteen hundred and seventy-five, and the acts amendatory thereof; nor to prohibit the borrowing of money and the issue of bonds therefor, by the trustees of said village, for the construction of a sewer system in accordance with the provisions of chapter four hundred and fourteen of the laws of eighteen hundred and ninety-seven, known as the village law.

§ 2. This act shall take effect immediately.

Chap. 59.

AN ACT to enable the commissioners of Watkins Glen reservation to carry into effect the provisions of chapter six hundred and eighty-three of the laws of eighteen hundred and ninety-nine, and making an appropriation therefor.

Became a law, March 1, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York; represented in Senate and Assembly, do enact as follows:

Appropriation for expenses.

Section 1. The sum of three thousand dollars or so much thereof as may be necessary is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of paying the expenses of the commissioners of Watkins Glen reservation incurred by them in the performance of their duties under chapter six hundred and eighty-three of the laws of eighteen hundred and ninety-nine, entitled "An act to authorize the selection, location and appropriation of certain lands in the town of Dix in the county of Schuyler, for a state park or reservation, and to preserve the scenery of what is known as the 'Watkins Glen,' and to make it a place of public resort," and for the purpose of paying the expenses incurred in making maps of the lands proposed to be taken in such park or reservation. Such expenses shall be paid by the state treasurer on the warrant of the comptroller upon itemized accounts duly verified, and in such amounts as shall be allowed upon audit by the comptroller.

Payment.

§ 2. This act shall take effect immediately.

Chap. 60.

AN ACT making an appropriation for the Dannemora State Hospital for Insane Convicts.

Became a law, March 1, 1900, with the approval of the Governor.

Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The following amounts, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purposes named: for completing the east wing, kitchen and dining room of the Dannemora state hospital for insane convicts, and for exterior sewers and drains therefor, and extending water main thereto: nineteen thousand six hundred and sixty dollars and forty cents; for plumbing fixtures, five hundred dollars; for electric clock system, two hundred dollars; for watchman's clock system, three hundred dollars; for fire alarm and telephone systems, four hundred dollars; which amounts shall be paid by the treasurer upon the warrant of the comptroller, to be expended under the direction of the superintendent of state prisons.

Appropriation for improvements.

§ 2. No part of the several sums appropriated shall be available for any construction, improvement or purchase, unless a contract or contracts shall have been first made for the completion or purchase within the appropriation therefor, and the performance thereof secured by a satisfactory bond approved by the comptroller, and in letting such contracts due allowance shall be made for such labor as may be rendered by any convicts.

Contracts for work.

§ 3. This act shall take effect immediately.

Chap. 61.

AN ACT to reappropriate an unexpended balance of an appropriation made by chapter six hundred and thirty-five of the laws of eighteen hundred and ninety-eight for increasing the depth of the Erie basin at Buffalo.

Became a law, March 1, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Reappropriation for improvement of basin.

Section 1. The balance remaining in the treasury unexpended of the sum of thirty thousand dollars appropriated by chapter six hundred and thirty-five of the laws of eighteen hundred and ninety-eight to deepen and improve that portion of the Erie basin at Buffalo, lying between the southerly line of slip number two, extended westerly, and the northerly line of slip number three, as provided in such act, which unexpended balance is the sum of twelve thousand six hundred thirty-five dollars and forty-four cents, is hereby reappropriated for the purposes specified in such chapter six hundred and thirty-five of the laws of eighteen hundred and ninety-eight, to be expended in the manner provided therein. Payments from the amount hereby reappropriated shall be made by the treasurer on the warrant of the comptroller, to the order of the superintendent of public works, for the purposes specified in such act.

Payments.

§ 2. This act shall take effect immediately.

Chap. 62.

AN ACT making an appropriation to reimburse the maintenance, salaries and wages funds of the state hospitals, and for the purchase of additional land.

Became a law, March 1, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation.

Section 1. The sum of four hundred and six thousand, two hundred and ninety-one dollars and eighty-nine cents is hereby appropriated to be expended under the provisions of chapter

five hundred and forty-five of the laws of eighteen hundred and ninety-six, chapter nine hundred and forty-four of the laws of eighteen hundred and ninety-six, chapter four hundred and sixty of the laws of eighteen hundred and ninety-seven and chapter six hundred and thirty-six of the laws of eighteen hundred and ninety-eight. The amount so appropriated shall be expended for ^{Purposes} the purposes stated as follows:

For salaries of officers of state hospitals the sum of forty-two thousand, six hundred and twenty-one dollars and twenty-three cents.

For salaries and wages of all other employees of state hospitals, the sum of one hundred and ten thousand, one hundred and thirty-one dollars and sixty-six cents.

For the support and maintenance of the state hospitals other than salaries and wages of officers and employees, the sum of two hundred and fifty-three thousand, five hundred and thirty-nine dollars.

The amounts so appropriated shall be available upon the passage of this act, but no part thereof shall be available ^{When available.} for any other purpose than as above specified. Only such portions of the amounts so appropriated shall be expended ^{Expenditure.} for the purposes stated as are sufficient to reimburse expenditures made from funds appropriated for the State care of the insane by chapter five hundred and seventy of the laws of eighteen hundred and ninety-nine, on account of the maintenance and support of the state hospitals and the salaries and wages of officers and employees therein from on or about the first day of August, eighteen hundred and ninety-nine, when the appropriation for the state care of the insane made by chapter six hundred and thirty-six of the laws of eighteen hundred and ninety-eight was exhausted, and the first day of October, eighteen hundred and ninety-nine, when the appropriation made by such chapter five hundred and seventy of the laws of eighteen hundred and ninety-nine, became available.

§ 2. The sum of thirty-two thousand dollars is hereby appropriated out of any funds in the treasury not otherwise appropriated to be expended by the lunacy commission for the purchase of the land adjoining the Utica State hospital upon which said commission hold an option expiring April first, nineteen hundred. ^{Purchase of land.}

§ 3. This act shall take effect immediately.

Chap. 63.

AN ACT to amend section two of chapter three hundred and ninety-three of the laws of eighteen hundred and ninety-five, entitled "An act to provide for the appointment of a state historian and for the compilation of the military and naval records of the state."

Became a law, March 1, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section two of chapter three hundred and ninety-three of the laws of eighteen hundred and ninety-five, entitled "An act to provide for the appointment of a state historian and for the compilation of the military and naval records of the state," is hereby amended to read as follows:

State his-
torian. ap-
pointment,
salary, etc.

§ 2. Said appointment is to continue for a period of four years from the date thereof. Said historian shall receive for his services the sum of four thousand five hundred dollars per annum, which shall include all necessary traveling expenses, and he shall have the power to employ a chief clerk, whose compensation shall not exceed fifteen hundred dollars per year.

§ 2. This act shall take effect immediately.

Chap. 64.

AN ACT to continue in office the railroad commissioners of the town of Greene, Chenango county, after payment of its bonded indebtedness, and to define their powers and duties.

Became a law, March 1, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Office
continued.

Section 1. The office of railroad commissioner in and for the town of Greene, in the county of Chenango, is hereby continued after the payment of its bonded indebtedness, and the present railroad commissioners of said town shall continue to hold such office, exercise the powers and perform the duties thereof for five years

from the date of their appointment, and until others are duly appointed, pursuant to section fourteen of the general municipal law, being chapter six hundred and eighty-five of the laws of eighteen hundred and ninety-two.

§ 2. Such railroad commissioners shall continue to hold and possess the railroad stock belonging to such town, with all the powers and duties relating thereto as heretofore, and the income therefrom shall be applied to such uses and purposes of the town as shall be approved by the town board, by resolution duly adopted. The town board of such town may present to the electors thereof at a biennial town election or at a special election duly called for such purpose, a proposition for the sale of such stock, or any portion thereof, and the application of the proceeds to a purpose specified in such proposition. If such proposition is adopted, the railroad commissioners shall sell the portion of such stock specified in such proposition at not less than the market value thereof on the day of sale, and the proceeds of such sale shall be applied in the manner directed by such proposition.

Powers and duties of commissioners.

Proposition to sell stock.

Sale and application of proceeds

§ 3. This act shall take effect immediately.

Chap. 65.

AN ACT ratifying and confirming the action of the officers, boards and departments in the city and county of Albany in making up, adopting and confirming the tax budget of the several sums necessary to be raised by tax in the city of Albany for the support of the city government and otherwise by law, and the payment of its debts and expenses during the year nineteen hundred and the proceedings for the levy and collection thereof.

Accepted by the city.

Became a law, March 1, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The acts of the officers, boards and departments in the city of Albany in making up, adopting, confirming and certifying the city tax budget, including the several sums necessary to be raised by tax in such city for the support of the city govern-

Acts confirmed.

Chap. 63.

AN ACT to amend section two of chapter three hundred and ninety-three of the laws of eighteen hundred and ninety-five, entitled "An act to provide for the appointment of a state historian and for the compilation of the military and naval records of the state."

Became a law, March 1, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section two of chapter three hundred and ninety-three of the laws of eighteen hundred and ninety-five, entitled "An act to provide for the appointment of a state historian and for the compilation of the military and naval records of the state," is hereby amended to read as follows:

State his-
torian, ap-
pointment,
salary, etc.

§ 2. Said appointment is to continue for a period of four years from the date thereof. Said historian shall receive for his services the sum of four thousand five hundred dollars per annum, which shall include all necessary traveling expenses, and he shall have the power to employ a chief clerk, whose compensation shall not exceed fifteen hundred dollars per year.

§ 2. This act shall take effect immediately.

Chap. 64.

AN ACT to continue in office the railroad commissioners of the town of Greene, Chenango county, after payment of its bonded indebtedness, and to define their powers and duties.

Became a law, March 1, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Office
continued.

Section 1. The office of railroad commissioner in and for the town of Greene, in the county of Chenango, is hereby continued after the payment of its bonded indebtedness, and the present railroad commissioners of said town shall continue to hold such office, exercise the powers and perform the duties thereof for five years

from the date of their appointment, and until others are duly appointed, pursuant to section fourteen of the general municipal law, being chapter six hundred and eighty-five of the laws of eighteen hundred and ninety-two.

§ 2. Such railroad commissioners shall continue to hold and possess the railroad stock belonging to such town, with all the powers and duties relating thereto as heretofore, and the income therefrom shall be applied to such uses and purposes of the town as shall be approved by the town board, by resolution duly adopted. The town board of such town may present to the electors thereof at a biennial town election or at a special election duly called for such purpose, a proposition for the sale of such stock, or any portion thereof, and the application of the proceeds to a purpose specified in such proposition. If such proposition is adopted, the railroad commissioners shall sell the portion of such stock specified in such proposition at not less than the market value thereof on the day of sale, and the proceeds of such sale shall be applied in the manner directed by such proposition.

Powers and duties of commissioners.

Proposition to sell stock.

Sale and application of proceeds

§ 3. This act shall take effect immediately.

Chap. 65.

AN ACT ratifying and confirming the action of the officers, boards and departments in the city and county of Albany in making up, adopting and confirming the tax budget of the several sums necessary to be raised by tax in the city of Albany for the support of the city government and otherwise by law, and the payment of its debts and expenses during the year nineteen hundred and the proceedings for the levy and collection thereof.

Accepted by the city.

Became a law, March 1, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The acts of the officers, boards and departments in the city of Albany in making up, adopting, confirming and certifying the city tax budget, including the several sums necessary to be raised by tax in such city for the support of the city govern-

Acts confirmed.

ment, the payment of its debts and expenses and any other municipal purpose during the year nineteen hundred, and of the board of supervisors of the county of Albany in levying and collecting the same, are hereby ratified, confirmed, made valid and effectual.

**Adoption of
tax budget.**

§ 2. It shall be lawful, and authority is hereby conferred upon the board of estimate and apportionment of the city of Albany, to adopt the estimate, apportionment and tax budget made up in the year eighteen hundred and ninety-nine and adopted and confirmed by the officers, boards and departments of such city, and to re-appropriate the sums therein appropriated, or any part thereof, to the various purposes and objects therein specified, and such apportionment and re-appropriation shall be, for the year nineteen hundred, in lieu of the estimate and apportionment, and of the other proceedings required to be taken with respect thereto, provided for in section ninety-six of chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-eight, entitled, "An act for the government of cities of the second class," as amended by chapter five hundred and eighty-one of the laws of eighteen hundred and ninety-nine.

**Reappropriation of
amount.**

**Additional
appropriation.**

§ 3. In case the sums provided in such tax budget shall be insufficient for the proper support and maintenance of the government of the city of Albany during the year nineteen hundred, then the board of estimate and apportionment of said city is hereby authorized and empowered to appropriate, in addition thereto, such other sums as may be necessary out of any moneys belonging to the city of Albany, not otherwise appropriated, if the same shall be sufficient therefor, and the same shall be applied by the officers charged with the duty of expending and disbursing such moneys to the expenses of the government; if there be no moneys not otherwise appropriated, or if the same be insufficient, then the board of estimate and apportionment is hereby authorized and empowered to borrow the same and for that purpose to issue certificates of indebtedness to be signed by the mayor and treasurer and countersigned by the comptroller; the amount of such certificates shall be included in the next tax budget and be paid as other city indebtednesses.

**Issue of
certificates
of indebtedness.**

**Estimates
dispensed
with.**

§ 4. The estimate of the several sums of money deemed necessary to be raised by tax to pay the expenses of conducting the business of the city of Albany in each department and office thereof, and for the various purposes contemplated by the act

for the government of cities of the second class and otherwise by law for the year nineteen hundred, and also to pay the principal and interest of any city indebtedness falling due in such year, required to be made by the board of estimate and apportionment, is hereby dispensed with, except as otherwise provided in this act.

§ 5. This act shall take effect immediately.

Chap. 66.

AN ACT to amend chapter three hundred and seventy of the laws of eighteen hundred and ninety-nine, entitled "An act in relation to the civil service of the state of New York and the cities and civil divisions thereof."

Became a law, March 1, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter three hundred and seventy of the laws of eighteen hundred and ninety-nine, entitled "An act in relation to the civil service of the state of New York and the cities and civil divisions thereof" is hereby amended so as to read as follows:

§ 3. State civil service commission.—The governor is authorized to appoint, by and with the advice and consent of the senate, three persons, not more than two of whom shall be adherents of the same political party, as civil service commissioners, and said three commissioners shall constitute the state civil service commission. They shall hold no other official place under the state of New York. The governor may remove any commissioner, and any vacancy in the position of commissioner shall be so filled by the governor, by and with the advice and consent of the senate, as to conform to said conditions for the first selection of commissioners. The three commissioners shall each receive a salary of three thousand dollars a year, and each of said commissioners shall be paid his necessary traveling expenses incurred in the discharge of his duty as a commissioner.

Chap. 67.

AN ACT to amend chapter four hundred and eighty of the laws of eighteen hundred and ninety-four, entitled "An act in relation to the village of Fredonia" in relation to macadamizing and paving streets and borrowing money, also authorizing the board of trustees to establish fire limits.

Became a law, March 1, 1900, with the approval of the Governor.
Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The title of chapter four hundred and eighty of the laws of eighteen hundred and ninety-four is hereby amended to read as follows: "An act in relation to the village of Fredonia, originally incorporated by chapter three hundred and fifty-one of the laws of eighteen hundred and twenty-nine."

§ 2. Sections three, five, six, thirteen, fourteen, fifteen and seventeen of article four of such chapter are hereby amended to read as follows:

§ 3. **Action of board of trustees.**—If after the return of such engineer the board of trustees find that the persons representing the majority of the lineal feet frontage upon said street or portion of a street, not counting property owned by the village or by non-residents, have petitioned in favor of improving such street or portion of a street, by macadamizing or paving, the board shall have the power to cause such street, or portion of street to be graded and macadamized, or remacadamized, or graded and paved or repaved, and have power to purchase the necessary machinery, tools and implements necessary for that purpose, as provided by this article. When the cost and expense of such improvements shall exceed the sum of one thousand dollars the work shall not be ordered, except by the concurring vote of a majority of all the members elected to the board of trustees, nor until the adjoining owners, either in their original petition or in a supplemental petition, have had an opportunity to elect between paving and macadam, as provided in section one of this article. If a majority of the petitioners elect macadam, the board of trustees may order such street or portion of a street to be macadamized. If a majority of the petitioners elect paving, the

board of trustees may order such street or portion of a street to be paved, with the specific material stated in such petition by the persons owning a majority in feet front of the whole number of feet frontage electing pavement, if a majority so agree as to any specific material. If the paving petitioners do not agree by the majority of lineal feet represented by them as to the specific paving material to be used and are unable to agree within fifteen days after the petition is delivered to such engineer, the board of trustees shall determine upon the specific material to be used for such pavement.

§ 5. Notice to adjoining owners.—Before the day of the first publication of the notice of determination to make such improvement, the village clerk shall cause to be served upon the owners of property fronting on said street or portion of a street, so to be improved, by delivering to and leaving with such owner, or a member of his immediate family of suitable age and discretion, and in case said owner is a non-resident or cannot with due diligence be found, then by delivering to and leaving the same with the agent of said owner, or with the occupant or lessee of said premises, or by depositing the same in the post-office at the village of Fredonia, in a secure, post-paid wrapper, directed to such owner at his last known place of residence, a notice requiring the owner of each lot on such street or portion of a street so to be improved, within fifteen days from the date of service thereof, to cause connections to be made when such connections have not been made, or when existing connections are unsuitable or insufficient with the sewer, gas and water pipes in front of each lot and extending to the curb line. Such connections shall be of a construction and kind approved by the board of trustees, and shall be made under the supervision of the village engineer. Such notice shall also state that if any such owner or owners neglect to cause such connections to be made in accordance with such notice, then the said board of trustees will cause them to be made, and the cost and expense thereof in front of each lot will be assessed to the owner of each lot as a part of its assessment for improving such street or portion of a street, and in the same roll and subject to the same opportunity to be heard and reviewed; and the board of trustees shall have power on default of any such property owner to comply with the terms of such notice, to cause such connections to be made and the cost and expense

thereof, in front of each lot, shall be assessed to the owner of said lot as part of his assessment for improving said street or portion of the street and the expense of making such connections shall be a charge upon the property in front of which such connections shall be made.

§ 6. Specifications and bids.—The board of trustees shall, previous to the publication of such resolution and notices, prepare and print detailed specifications for the improvement of such street or portion of a street, by macadamizing or paving, and if by paving, with the material determined upon, in accordance with the provisions of this article, by the petitioners or board of trustees, as the case may be. Such specifications shall indicate the kind and character of the materials to be used and the manner of their use, the character and manner of improvement, the manner and form of constructing the gutters and their margins, and particularly indicating all the parts of the construction of the work, and its state when completed, and shall contain such other provisions as may be thought proper and necessary by such engineer. The board of trustees shall also prepare and print bidding sheets in form for bidding for the job of improving the street or portion of the street, so to be improved. Said engineer shall furnish to any person desiring to make such bid, copies of such specifications, with a copy of such bidding sheets attached thereto; and every person making a bid shall make such bid upon said bidding sheet and shall accompany his bid with a certified check, payable to the order of the village treasurer, for five per centum of the cost of such improvement, at the price fixed by such bidder. All said bids so delivered to and received by the board of trustees shall be publicly opened and examined by it on the twentieth day after the first publication of said resolution and notices. The board of trustees shall have power to reject any and all bids received by them, but unless such bids are rejected, such contract shall be let to the lowest responsible bidder. If no bids are received or accepted by the board of trustees, or if when accepted the bidder neglects to enter into a contract as provided by this article, and the board of trustees does not perfect a contract with the next lowest bidder, as provided by this article, the board of trustees may proceed at once to cause such work to be done under its supervision and direction or readvertise for bids, in the same manner as in the first instance; and the opening and acceptance

of such bids, and all proceedings in relation thereto, shall be the same as in the first instance.

§ 13. **Portion of expense to be borne by the village.**—For the purpose of providing the money to pay the cost of the village's portion of said improvement herein provided for in this article, the board of trustees may assess upon all the property within the village of Fredonia liable to general taxation for public uses, and collect therefrom each year, a sum in no case to exceed the sum of three thousand dollars, to be known as a street improvement fund. Such street improvement fund shall be kept separate and apart from any other money or funds of the village, and shall be used for no purpose whatever except as provided in this article. The assessment for improvement of streets under this act paid by the village as adjoining owner along a street improved as herein provided, shall be paid by the village out of the village fund, and the money so paid in any one political year shall be collected the next political year with the general tax of each succeeding year in the same form and manner in which the general taxes are collected.

§ 14. **Assessments; how made.**—The board of assessors appointed for the purpose by the board of trustees shall make an assessment-roll, wherein they shall briefly describe and designate the land on which an assessment is made and assess the amount fixed by the board of trustees as has been provided in the previous sections of this article, and shall set in the last column of such roll, opposite the name of the person, corporation or association and property assessed, the amount of tax assessed upon such person, corporation or association and property. The village shall not be deemed a property owner of any property in streets in determining the number of front feet of property as herein provided. After such assessment-roll is completed it shall be left with the village clerk and notice thereof given in one or more newspapers published in said village, also that said roll can be examined by any person interested for a period of ten days from the first publication of such notice. After the expiration of said ten days the trustees shall hold a meeting to hear the application of any person conceiving himself or herself aggrieved and for the correction of such roll, and the date, hour and place of said meeting shall also be announced in said published notice.

§ 15. Extension of time for payment of assessment.—The board of trustees shall have the power to extend the time for the payment of the assessments made on account of such improvements, and to make the assessment payable in ten equal annual installments, the first installment to be paid immediately after the delivery of the first warrant for the collection thereof to the collector of taxes of said village; and the remaining installments to be paid when due each successive year thereafter, on warrants issued for the collection thereof, with interest thereon from the ninetieth day after the said first warrant is so delivered to said collector, and in every case the warrants must conform to the plan, and the first warrant shall command the collection of the first installment only, and each successive warrant shall command the collector to collect the installment then due, together with interest thereon from a day named, which shall be the ninetieth day after the delivery of the first warrant to the collector of taxes, and which shall be with the privilege on the part of the person assessed to pay the entire assessment on the first warrant or to pay all the unpaid assessments, together with interest thereon on any warrant thereafter issued. The board of trustees may determine that the amount which the village shall become liable to pay for the paving or macadamizing of any street pursuant to this article, shall be paid by the village in not exceeding ten annual installments, and may cause the bonds or other obligations of the village to be issued in anticipation thereof.

§ 17. Accepted streets.—All streets or parts of a street paved at the time this act takes effect, or which will subsequently be paved or macadamized, shall be deemed accepted streets within the meaning of this article, and shall be repaired when necessary. The repairing of such streets shall be paid from the fund known as the street improvement fund, and that portion of any street which may be paved or macadamized and accepted as herein provided, shall thereafter be exempt from taxes for the repair of the remaining portion of said street that is not paved or macadamized. The street commissioner shall cause the accepted streets to be repaired upon the order of the board of trustees, and shall employ the necessary men and purchase the necessary material therefor. When such work has been done or any material has been purchased, the commissioner shall certify the expense of the same to the board of trustees. The board of trustees shall

thereupon order a proper warrant for the payment thereof to be drawn on the treasurer. For the purposes of this title repairs of streets shall not include the repaving or remodeling of the streets. Where the board of trustees of such village has contracted for a portion of a street, the improvement of which has been petitioned for, such board may extend such contract to complete such street as far as has been or may be petitioned for, on the same terms as the terms of the original contract. Contracts entered into at the time the amendment to this section takes effect, and all acts of boards of trustees of such village heretofore done in pursuance of this article, are legalized, ratified and confirmed.

§ 3. Article nine of such chapter is hereby amended by adding at the end thereof a new section to be section eight and to read as follows:

§ 8. Borrowing money temporarily.—The board of trustees of such village may, pursuant to resolution, borrow money in anticipation of taxes levied for the current year, but not in excess thereof, and money so borrowed must be payable within such year.

§ 4. Section fifteen of article two of such chapter is hereby amended by adding at the end thereof a new subdivision to read as follows:

Subdivision 23. To establish fire limits, by resolution filed in the office of the village clerk, and posted in three public places in the village; and to provide that buildings shall not be constructed or rebuilt within such limits, unless the plans and specifications have been submitted to and approved by the board of trustees. In addition to an action or proceeding to recover the penalty prescribed by the ordinances for the violation of this subdivision, the board of trustees may present a verified petition to a justice of the supreme court, or to a special term of the supreme court of the judicial district, or to the county court or the county judge of the county, in which the village is situated for an order enjoining the violation thereof. Such petition shall state the facts concerning the alleged violation. Upon the presentation of the petition the justice, judge or court shall grant an order requiring such person to appear before him, or before such special term or county court, respectively, on a day specified therein, not more than ten days after the granting thereof, to show cause why such person should not be per-

manently enjoined from violating such ordinance. A copy of the petition and order shall be served in the manner directed by such order, not less than five days before the return day thereof. On the day specified in such order, the justice, judge or court, before whom the same is returnable, shall hear the proofs of the parties, and may, if deemed necessary and proper, take testimony in relation to the allegations of the petition, or appoint a referee for that purpose. If it appears that such person is violating the ordinance, an order shall be made enjoining him therefrom. If, after the entry of such order in the county clerk's office of the county in which the village is situated, and the service of a copy thereof upon him, or after a substituted service, as the justice, judge or court may direct, such person shall violate such ordinance, such violation shall be deemed a contempt of court, and punishable in the manner provided by the code of civil procedure. Costs upon the application for such injunction may be awarded in favor of and against the parties thereto, in the discretion of the justice, judge or court before whom the petition is heard. If awarded against the village, the costs shall be a village charge.

§ 5. This act shall take effect immediately.

Chap. 68.

AN ACT making an appropriation for plumbing fixtures for the Rome State Custodial Asylum.

Became a law, March 2, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation for improvements.

Section 1. The following sums or so much thereof as may be necessary are hereby appropriated out of any money in the treasury, not otherwise appropriated, for the Rome State Custodial Asylum, to be expended under the direction of the board of managers of said asylum as follows: For plumbing fixtures for ward building F, two thousand three hundred dollars; for plumbing fixtures for administration building, two thousand one hundred and fifteen dollars.

§ 2. No part of the several sums appropriated shall be available for any construction, improvement or purchase unless a contract or contracts shall have first been made for the completion or purchase within the appropriation therefor, and the performance thereof secured by a satisfactory bond approved by the comptroller. Contracts.

§ 3. This act shall take effect immediately.

Chap. 69.

AN ACT to amend chapter three hundred and fifteen of the laws of eighteen hundred and ninety-five, in relation to water commissioners and the levy of taxes in the village of Ilion.

Became a law, March 2, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four of chapter three hundred and fifteen of the laws of eighteen hundred and ninety-five, entitled "An act to amend and consolidate the several acts relating to the village of Ilion," is hereby amended to read as follows:

§ 4. **Qualifications of officers.**—The president and trustees shall all be residents of and freeholders in said village, and the president and trustees, together with the assessors, treasurer and police justice shall all be elected by ballot by the electors of said village, and the clerk, collector, chief of police and chief engineer shall be appointed by the board of trustees of said village, and the officers so appointed shall hold their offices, respectively, during the pleasure of the board of trustees and until their successors shall have been appointed and have qualified. The sewer commissioners and water commissioners shall, except as herein provided, possess all the qualifications and shall have all the powers and be subject to all the duties, liabilities and responsibilities, and shall be appointed, as required and provided in the village law. The said board of water commissioners shall organize at their first meeting after the village election in each year by electing one of their number president of the board. They shall also elect from their number a secretary and treasurer, and they shall also appoint a clerk for said board. Such board may make all necessary rules and regulations for its government

and the transaction of its business. The treasurer shall give a bond, with sufficient sureties, for the faithful performance of the duties of his office, in such amount as may be determined by the board of water commissioners, to be by them approved. All moneys pertaining to the system of water works within said village shall be paid to the treasurer of the said board of water commissioners and shall be disbursed by him upon the order of the said board of water commissioners.

§ 2. Section twenty-four of said act is hereby amended to read as follows:

§ 24. Treasurer.—The treasurer, except as herein otherwise provided, shall receive all moneys belonging to the village, and keep an accurate account of all receipts and expenditures. All moneys drawn from the treasury, except as herein otherwise provided, shall be drawn in pursuance of an order of the board of trustees, by warrant signed by the clerk and countersigned by the president. The treasurer shall exhibit and report to the board of trustees once in each year, and oftener as they may require, a full and detailed account of the receipts and expenditures and of the state of the treasury. He shall deposit all funds belonging to said village under his charge in such bank or banks as the board of trustees may from time to time prescribe, and all interest or other profit growing or arising out of such deposit shall be paid by him into the village treasury and accounted for to the board of trustees. The board of trustees may exact from the bank or banks of deposit such security as they shall deem proper. He shall receive such compensation for his services as the board of trustees shall prescribe. He shall, before entering upon the duties of his office, and within ten days after being notified of his election or appointment, give a bond to the village by its corporate name, for the faithful discharge of his duties, and the payment over to his successor of all moneys remaining in his hands, to be approved by the board of trustees as to form, number and sufficiency of sureties and amount, to be fixed by the board of trustees, and the said bond, when approved, shall be filed with the clerk of the village.

§ 3. Subdivision six of section fifty-six of said act is hereby amended to read as follows:

6. A sum sufficient to pay such requisition as may be made upon them by the board of street commissioners of said village as

herein provided, not exceeding in any one year one-half of one per centum of the assessed valuation of the real and personal property within said village, exclusive of poll tax.

§ 4. This act shall take effect immediately.

Chap. 70.

AN ACT to amend title five of the penal code in relation to offenses against the election laws.

Became a law, March 2, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Title five of the penal code is hereby amended by adding thereto the following section to be known as section forty-one-bb: Penal code amended.

§ 41bb. Any person who solicits from a candidate for an elective office money or other property as a consideration for a newspaper or other publication supporting any candidate for an elective office, is guilty of a misdemeanor. Soliciting for newspaper, etc.

§ 2. This act shall take effect September first, nineteen hundred. When takes effect.

Chap. 71.

AN ACT to legalize and confirm the official acts of notaries public.

Became a law, March 2, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The official acts of every person as notary public within the state of New York heretofore commissioned as such, which acts have been performed since the thirtieth day of March, eighteen hundred and ninety-nine, so far as such acts might be affected, impaired, or questioned by reason of change of residence made after appointment, or by reason of misnomer or misspelling of name, or other error made in the appointment or commission of said notary public, or by reason of omission or failure to take the Official acts legalized.

prescribed oath of office within the time required by law, or by reason of such persons being under the age of twenty-one years, or by reason of the expiration of his term of office, where he has acted in good faith are hereby legalized and confirmed, and made as effectual and valid as if the term of office of said notary public had not expired or as if no misnomer or misspelling or other error had occurred, or been made in the appointment or commission of said notary public, or as if the oath of office had been taken within the time prescribed by law.

Official acts
performed
in adjoining
county
legalized.

§ 2. The official acts of every person as notary public within the state of New York, duly commissioned as such, performed in an adjoining county to the one in and for which he was appointed, and which acts were performed prior to the filing of a certified copy of his appointment with the certificate of the clerk of his county that he has duly qualified together with his autograph signature, in the office of the clerk of said adjoining county, as provided in chapter sixty-one, laws of eighteen hundred and eighty-five; and who has filed or shall file such certificate of appointment, qualification and autograph signature in said adjoining county as provided in chapter sixty-one of the laws of eighteen hundred and eighty-five are hereby legalized, confirmed and made valid, the same as if performed after the filing of such certificate of appointment, qualification and autograph signature.

Proviso.

§ 3. Nothing in this act contained shall affect any legal action now pending.

§ 4. This act shall take effect immediately.

Chap. 72.

AN ACT to amend section forty-five of title two of chapter three of part four of the revised statutes relating to state prisons, and for other purposes connected therewith.

Became a law, March 2, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section forty-five of title two of chapter three of part four of the revised statutes relating to state prisons, and for other purposes connected therewith, is hereby amended so as to read as follows:

§ 45. The agent and warden of each of said prisons shall deposit at least once in each week to his credit as agent and warden, in such bank or banks as may be designated by the comptroller, all the moneys received by him as such agent and warden, as convict deposits and miscellaneous earnings, and send to the comptroller, and also to the superintendent of state prisons, weekly, a statement showing the amount so received and deposited, and when, from whom, and for what received, and the days on which such deposits were made. Such statement of deposits shall be certified by the proper officer of the bank receiving such deposit or deposits. The agent and warden shall also verify by his affidavit that the sum so deposited is all the money received by him from whatever source of prison income, other than proceeds of the labor of prisoners and of sales of articles manufactured by them during the week and up to the time of the last deposit appearing on such statement. Any bank in which such deposits shall be made shall, before receiving any such deposits, file a bond with the comptroller of the state, subject to his approval, for such sum as he shall deem necessary. The moneys so deposited by such agent and warden as convict deposits and miscellaneous earnings shall be subject to his check or draft only when countersigned by the comptroller. The comptroller shall countersign such check or draft only when the same is drawn for the payment of an expenditure included in an estimate approved by the superintendent of state prisons, and for the purposes hereinafter stated. The agent and warden of each prison shall, on the first day of each month, make an estimate and detailed statement of all moneys that will, in his judgment, be required for clothing, allowance, and transportation of United States prisoners, and to repay to convicts moneys on deposit to their credit, and the interest thereon, as provided by section fifty-four of title two of chapter three of part four of the revised statutes relating to state prisons, during such month, which estimate shall be forwarded to the superintendent of state prisons, who may revise the same by reducing the amount thereof, and he shall certify that he has carefully examined the same, and that the sums stated in said estimate are actually required for the purposes above stated, and he shall thereupon deliver the said estimate, so certified, to the comptroller.

Deposit of
convicts de-
posits and
earnings.

Statement
of deposits.

Bank to
file bond.

Payments
how made

Monthly
estimates
by agents
and
warden.

§ 2. This act shall take effect immediately.

Chap. 73.

AN ACT to amend section two hundred and thirty-two of the code of civil procedure, relative to the appointments of terms of the supreme court.

Became a law, March 2, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Code
amended.

Section 1. Section two hundred and thirty-two of the code of civil procedure is hereby amended to read as follows:

Appoint-
ment of
terms of
court.

§ 232. The justices of the appellate division in each department may fix the times and places for holding special and trial terms therein, and assign the justices of the departments to hold such terms, or make rules therefor; and may from time to time make additional appointments and designations, or change or alter those already made. If said justices of the said appellate division in any department shall not have fixed the times and places for holding said special and trial terms, or shall not have assigned the justices to hold such terms, or shall not have made rules therefor, before the first day of December, in the year eighteen hundred and ninety-five, and in every second year thereafter, the justices of the supreme court for each judicial district, or a majority of them not designated as justices of the appellate division, must, between the first and fifteenth days of December in each of said years, appoint the times and places for holding the trial and special terms of the supreme court within their judicial district, for two years from the first day of January of the year next following; if for any reason such an appointment is not made before the expiration of the time so specified, it must be made at the earliest convenient time thereafter. At least one special term and two trial terms must be appointed to be held in each year in each county separately organized. Fulton and Hamilton counties shall be deemed one county for the purposes of this section. Two or more trial terms may be appointed to be held and may be held at the same time in any county. A trial term in any county may be held in two or more parts, and a jury panel may be summoned to serve in each part, or jurors may be drawn from one panel. The rules made by

the justices of an appellate division for fixing the times and places for holding special and trial terms, and for assigning the justices for holding special and trial terms, must be signed by the justices making them, and immediately filed in the office of the secretary of state; and a duplicate thereof must also be filed in the office of the clerk of such appellate division, who must immediately transmit a copy thereof, certified by him, to each of the justices of the supreme court in such department not designated as justices of an appellate division. The justices of the appellate division of each department are hereby authorized to adopt and procure an official seal, with suitable devices and inscription. A description of such seal, with an impression thereof, shall be filed in the office of the secretary of state. The expense of procuring such seal shall be a charge against the state, and shall be paid by the state treasurer upon the audit and warrant of the comptroller.

§ 2. This act shall take effect on the first day of September, nineteen hundred.

Chap. 74.

AN ACT to provide for the return of unpaid taxes and redemption from tax sale in Niagara county for the years eighteen hundred ninety-five to eighteen hundred ninety-nine inclusive.

Became a law, March 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The county treasurer of the county of Niagara shall in the month of July, nineteen hundred, furnish to the supervisors of the several wards and towns in said county a certified abstract of the tax roll relating to unpaid taxes in each such ward and town, showing by such abstract each unpaid tax which in eighteen hundred ninety-eight was assessed in such ward or town upon real estate not assessed as non-resident, and in eighteen hundred ninety-nine was returned as unpaid and still remains unpaid when such abstract is made and the same proceeding shall thereupon be had for the collection and enforcement of such taxes, and the sale and redemption of such property when re-

quired for such purpose as if such taxes had been assessed in eighteen hundred ninety-nine and returned unpaid in nineteen hundred pursuant to the tax law.

Notice to
redeem
lands.

§ 2. The county treasurer of Niagara county shall, at least three months before the expiration of the year nineteen hundred, cause a notice to be published once in each week for six successive weeks, the last publication to be at least six weeks before the expiration of that year, in the newspapers designated by the board of supervisors to publish the session laws in such county for the year eighteen hundred ninety-nine, containing a list of the lands in said county which were sold for taxes in the years eighteen hundred ninety-five, eighteen hundred ninety-six, eighteen hundred ninety-seven and eighteen hundred ninety-eight and are still unredeemed, and which have not been conveyed to the purchaser, specifying particularly every parcel then unredeemed and the amount necessary to redeem the same, calculated to the last day in which such redemption can be made, and stating that unless such lands are redeemed by a day therein named, not less than six weeks after such notice expires, they will be conveyed to the purchaser. Such notice shall describe each parcel of land sold and give the name or names of the persons to whom it was assessed which shall be arranged in their alphabetical order for the respective towns and wards. The compensation allowed for such publication shall be at the rate allowed by law for publishing legal notices. In case redemption is made by the owner of a mortgage, lien or judgment, the treasurer shall give the person so redeeming a certificate showing such facts and the amount paid. Such certificate may be placed upon record in office of county clerk when the amount so certified shall be added to such mortgage or judgment lien and become a part thereof.

Certificate
of redemption
to
owner of
mortgage,
etc.

Conveyance
to purchaser.

§ 3. If such real estate so sold for taxes in said years, or any portion thereof, and not theretofore redeemed or conveyed as aforesaid, be not redeemed as herein provided, the county treasurer shall, at any time after the expiration of the time for redemption as provided in the preceding section, upon application of the purchaser, his heirs or assigns, execute to said purchaser, his heirs or assigns, a conveyance of the real estate so sold which shall vest in the grantee an absolute estate in fee. The said treasurer making such conveyance shall be entitled to

demand and receive from the purchaser one dollar as his compensation for preparing such conveyance. Immediately after receiving such conveyance, the purchaser or his legal representatives or assigns, may take full possession of the premises described in said conveyance and may lawfully possess, hold and enjoy the same for his and their own proper use, and the use and benefit of his and their heirs and assigns forever, and he or they may cause the occupants of such real estate to be removed therefrom, and the possession thereof to be delivered to him or them in the same manner and by the same proceedings, and by and before the same officers as in the case of a tenant holding over after the expiration of his term without the permission of his landlord.

Possession
by pur-
chaser.

§ 4. Whenever any purchaser, or his legal representatives or assigns after receiving such conveyance shall be unable to obtain possession of the real estate thus conveyed, by reason of any error or irregularity in the assessment of any person or property or in the levying of a tax or in the description of the property, or any proceeding upon the collection of any tax, the board of supervisors of said county shall reimburse the purchase money and expenses so paid with lawful interest, the same to be presented and audited as other county charges and by them to be charged over to the town or towns or ward or wards where the irregularity arises.

Reimburse-
ment of
purchase
money.

§ 5. At any time before the expiration of the time for redemption, the treasurer may sell and assign any such certificate of sale either at public or private sale, to any person who shall forthwith pay into the county treasury the amount chargeable thereon. Such purchaser shall perform the same duties, and have the same rights, as any other owner of a certificate of sale. At the end of the time for redemption the treasurer shall execute conveyances to the board of supervisors of Niagara county for all lands, described in all certificates made by him of sales in which he bid in the land for the supervisors of the county, which have not been sold and assigned by him. Said conveyances shall vest absolute title in fee in such lands in the board of supervisors of Niagara county.

Sale of
certificate
of sale.

Conveyance
to county

§ 6. Where no provision on the subject is made in this act, the cancellation of the tax which shall have been paid to a collector, the repayment of any tax for which such sale is made,

Powers
conferred
upon
treasurer.

paid more than once, the payment of a part of the tax on land by any person claiming an individual share, or a specified part thereof, the effect of such redemption reducing the land to be conveyed, the effect of any such sale of land for taxes upon the lien of any mortgage thereon, the right of a mortgage to redeem, the consequence of neglect, to do so after notice, and the lien of the mortgage for the amount paid on such redemption, the authority to withhold conveyances when it shall be discovered that any sale of land for taxes was ineffectual to convey a title, and to refund the purchase money and interest to the purchaser, which is conferred by law upon the comptroller of this state, is hereby authorized to be exercised and discharged so far as relates to the county of Niagara, by the treasurer thereof.

§ 7. This act shall take effect immediately.

Chap. 75.

AN ACT to amend chapter three hundred nine of the laws of eighteen hundred and sixty-four as amended by chapter one hundred forty-one of the laws of eighteen hundred and sixty-five in relation to the union school district of the village of Owego.

Became a law, March 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Section seventeen of chapter three hundred nine of the laws of eighteen hundred and sixty-four, as amended by section nine, chapter one hundred forty-one of the laws of eighteen hundred and sixty-five, in relation to the amount to be raised in any one year by said district for the purchase of sites, erecting and repairing school houses and their appurtenances, is hereby amended so as to read as follows:

Amount to be raised for expenses, etc.

§ 17. The amount raised for teachers' wages and contingent expenses for any one year shall not be less than two nor more than four times the amount appropriated to the said union school district, or the several districts and parts of districts comprising the same, from all of the common school funds of the

state during the year previous; nor shall the amount to be raised in any one year for the purchase of sites, erecting and repairing school houses and their appurtenances exceed two thousand dollars, except as hereinafter provided. For purchase of sites, etc.

§ 2. This act shall take effect immediately.

Chap. 76.

AN ACT to amend the agricultural law, relating to penalties for watering milk furnished to butter and cheese factories conducted on the co-operative plan.

Became a law, March 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-seven of chapter two hundred and thirty-eight of the laws of eighteen hundred and ninety-three, entitled "An act in relation to agriculture, constituting articles one, two, three, four and five of chapter twenty-three of the general laws," as amended by chapter four hundred and thirty-five of the laws of eighteen hundred and ninety-nine is hereby amended to read as follows:

§ 37. Penalties.—Every person violating any of the provisions of articles two and three of sections ninety-one and ninety-two of the agricultural law and chapter four hundred and ninety-one of the laws of eighteen hundred and ninety-eight, shall forfeit to the people of the state of New York a sum of not less than twenty-five dollars nor more than one hundred dollars for every such violation. A person who brings or causes to be brought to a butter or cheese factory owned or operated by a co-operative association, milk diluted with water or any unclean, impure, unhealthy, adulterated or unwholesome milk, or milk from which any of the cream has been taken, except pure skim milk to skim cheese factories, shall forfeit to the people of the state for the first offense the sum of fifty dollars and for each subsequent offense the sum of one hundred and fifty dollars; upon recovery of the penalty so prescribed, one-half thereof shall be paid into the state treasury, one-fourth shall be paid into the county treasury, and the remaining one-fourth shall be paid to the treasurer of the co-operative association

owning or operating such butter or cheese factory, to be divided among the members thereof in the same manner as the other receipts of such association. When such violation consists of the manufacture or production of any prohibited article, each day during which or any part of which such manufacture or production is carried on or continued, shall be deemed a separate violation of the provisions of this article. When the violation consists of the sale, or the offering or exposing for sale or exchange of any prohibited article or substance, the sale of each one of several packages shall constitute a separate violation, and each day on which any such article or substance is offered or exposed for sale or exchange shall constitute a separate violation of this article. When the use of any such article or substance is prohibited, each day during which or any part of which said article or substance is so used or furnished for use, shall constitute a separate violation, and the furnishing of the same for use to each person to whom the same may be furnished shall constitute a separate violation. Whoever by himself or another violates any of the provisions of articles two and three and sections ninety-one and ninety-two of the agricultural law shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars, nor more than two hundred dollars, or by imprisonment of not less than one month nor more than six months or by both such fine and imprisonment, for the first offense; and by six months' imprisonment for the second offense.

§ 2. This act shall take effect immediately.

Chap. 77.

AN AOT to enable the city of Albany to pay sundry debts for printing and advertising.

Accepted by the city.

Became a law, March 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Authority
to make
payment.

Section 1. The treasurer of the city of Albany is hereby authorized and empowered to pay out of any moneys in his hands,

not otherwise especially appropriated, such bills and accounts for printing, furnishing supplies and materials and services for printing duly rendered to the city of Albany subsequent to the first day of January eighteen hundred and ninety-seven, and prior to the first day of January eighteen hundred and ninety-eight with interest from the last mentioned date as may have been heretofore duly audited or may be audited by the comptroller, who is hereby authorized and empowered to audit such bills and accounts under the provisions of section sixty-five, article four, of chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-eight, entitled "An act for the government of cities of the second class," as amended by chapter five hundred and eighty-one, laws of eighteen hundred and ninety-nine, the total sum hereby authorized to be paid not exceed- Amount limited.

§ 2. This act shall take effect immediately.

Chap. 78.

AN ACT to amend the lien law, in reference to building loan contracts.

Became a law, March 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-one of chapter four hundred and eighteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to liens, constituting chapter forty-nine of the general laws," is hereby amended so as to read as follows:

§ 21. Building loan contract.—A contract for a building loan, either with or without the sale of land, and any modification thereof, must be in writing and duly acknowledged, and within ten days after its execution be filed in the office of the clerk of the county in which any part of the land is situated, and the same shall not be filed in the register's office of any county. If not

so filed the interest of each party to such contract in the real property affected thereby, is subject to the lien and claim of a person who shall thereafter file a notice of lien under this chapter. A modification of such contract shall not affect or impair the right or interest of a person, who, previous to the filing of such modification had furnished or contracted to furnish materials, or had performed or contracted to perform labor for the improvement of real property, but such right or interest shall be determined by the original contract. The county clerk is entitled to a fee of twenty cents for filing such a contract or modification. Such contracts and modifications thereof shall be indexed in a book provided for that purpose, in the alphabetical order of the names of the persons to whom such loans shall be made.

§ 2. This act shall take effect immediately.

Chap. 79.

AN ACT to amend the agricultural law, relating to license fees for selling concentrated commercial feeding stuffs.

Became a law, March 7, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and twenty-three of chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three, entitled "An act in relation to agriculture, constituting articles one, two, three, four and five of chapter thirty-three of the general laws," as added by chapter five hundred and ten of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

§ 123. **License fee.**—Each manufacturer, importer, agent or seller of any concentrated commercial feeding stuffs, shall pay annually during the month of December to the treasurer of the New York Agricultural Experiment Station, a license fee of twenty-five dollars for each and every brand sold or offered for sale. Whenever a manufacturer, importer, agent or seller of concentrated commercial feeding stuffs desires at any time to sell such

material and has not paid the license fee therefor in the preceding month of December, as required by this section, he shall pay the license fee prescribed herein before making any such sale. The amount of license fees received by such treasurer pursuant to the provisions of this section shall be paid by him to the treasurer of the state of New York. The treasurer of the state of New York shall pay from such amount when duly appropriated the moneys required for the expense incurred in making such inspection required by this section and enforcing the provisions thereof. The board of control of the New York Agricultural Experiment Station shall report annually to the legislature the amount received pursuant to this article, and the expense incurred for salaries, laboratory expenses, chemical supplies, traveling expenses, printing and other necessary matters. Whenever the manufacturer, importer or shipper of concentrated commercial feeding stuff shall have filed the statement required by section one hundred and twenty-one of this article and paid the license fee as prescribed in this section, no agent or seller of such manufacturer, importer or shipper shall be required to file such statement or pay such fee.

§ 2. This act shall take effect immediately.

Chap. 80.

AN ACT to amend subdivision four of section twenty-three of the liquor tax law, relative to the granting of liquor tax certificates to certain foreign corporations.

Became a law, March 7, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision four of section twenty-three of chapter one hundred and twelve of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the traffic in liquors, and for the taxation and regulation of the same, and to provide for local option, constituting chapter twenty-nine of the general laws," is hereby amended so as to read as follows:

4. No corporation or association incorporated or organized under the laws of another state or country; provided, however, that if such corporation or association be acting as a common

Liquor
tax law
amended.

Granting of
certificates
to certain
foreign cor-
porations.

carrier or be operating dining, buffet, parlor or sleeping cars in this state, it may be granted a liquor tax certificate under subdivision four of section eleven of this act.

§ 2. This act shall take effect immediately.

Chap. 81.

AN ACT authorizing the canal board to terminate, settle and adjust between the parties to all contracts made by the state of New York for the improvement of the Erie canal, Champlain canal and Oswego canal, and permitting return to the contractors of the moneys deposited by them and payment of all moneys legally or equitably due them under their contracts with the state of New York.

Became a law, March 7, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Authority
to termi-
nate and
settle
contracts.

Section 1. The canal board is authorized and empowered to terminate unfinished contracts and settle and adjust all contracts, whether unfinished or completed, entered into by the state of New York, for the improvement of the Erie canal, the Champlain canal and the Oswego canal, pursuant to chapter seventy-nine of the laws of eighteen hundred and ninety-five, and chapter seven hundred and ninety-four of the laws of eighteen hundred and ninety-six, and also all claims, legal or equitable, arising out of such contracts, as soon as contractors who desire to avail themselves of this act shall comply with section two hereof.

Request
for termi-
nation, etc.

§ 2. Any contractor who desires a termination of his unfinished contract, or a settlement and adjustment of his completed contract, and of any claim arising out of such unfinished or completed contract, under this act, shall within sixty days after this act becomes a law, file in writing with the canal board, the request that such contract or claim be terminated or settled and adjusted, as the case may be. The canal board shall as soon as practicable after the filing of such request, find and determine the sums of money due such contractor under and in accordance with the terms and conditions of his contract, together with the

Finding and
determi-
nation of
canal
board.

interest due thereon, and the sums of money due such claimant upon his claim arising out of any such contract, and the interest due thereon, and thereupon the canal board shall notify, in writing, such contractor of its finding and determination. In making such finding and determination, the canal board shall have the right to disregard all technicalities which might be interposed to the right of the contractor to recover, provided that in ignoring such technicalities the cost to the state of New York of the work done under the contract is not greater than if said work had been performed by a person against whom such technicalities could not be interposed, and said canal board shall have the right to consider and act upon the equities involved in the case of any such contract or claim in the same manner and only in the same manner as the supreme court of the state of New York in the exercise of its equitable jurisdiction. If, upon such determination and finding of the canal board, such contractor desires to accept the findings and determination of said board, he must within sixty days after receiving such notice of said determination and finding, file with the canal board a release duly executed, by which he forever releases and discharges the state of New York, its officers and servants, from all claims for damages under his contract, and from all further claims of any name or nature existing against the state under and by virtue of said contract or arising therefrom; and after such contract shall be terminated, no such contractor or surety upon his bond shall have or maintain any claim for damages against the state of New York, its officers or servants, in connection with such contract or for any sum of money claimed to be due or unpaid under or by virtue of said contract or arising therefrom.

Release to
state.

§ 3. Upon the filing of such release, the canal board may in its discretion by resolution to that effect, terminate any contract, and the proper state officials shall pay over and return to such contractor or his assigns the amount deposited with the superintendent of public works at the time of the submission of his bid, with such interest as such deposit shall have earned for the state, and the ten per centum retained by the state under the provisions of chapter seventy-nine of the laws of eighteen hundred and ninety-five, and chapter seven hundred and ninety-four of the laws of eighteen hundred and ninety-six for the work performed and materials furnished pursuant to the terms of said

Return of
deposits
and pay-
ments to
contractor

contract, together with any sums of money found and determined by the canal board to be due him under the findings made pursuant to the second section of this act, with interest upon such amounts from the time such sums became due under the contract.

§ 4. This act shall take effect immediately.

Chap. 82.

AN ACT to amend the Greater New York charter, relative to volunteer fire companies in the borough of Queens.

Accepted by the city.

Became a law, March 7, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seven hundred and twenty-two of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled "An act to unite into one municipality under the corporate name of the city of New York, the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond and part of the county of Queens, and to provide for the government thereof," as amended by chapter six hundred and twelve of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

§ 722. Consolidation of departments; volunteer departments.—The officers and members of the uniformed force and legally appointed firemen in the corporation formerly known as the mayor, aldermen and commonalty of the city of New York, and in the city of Brooklyn and in the city of Long Island City are hereby made members of the fire department of the city of New York, as hereby constituted, and shall be assigned to duty therein by the fire commissioner, with the rank and grade now held by them respectively, as nearly as may be practicable. The paid fire department system shall, as soon as practicable, be extended over the boroughs of Queens and Richmond, by the fire commissioner, and thereupon the present volunteer fire departments now main-

tained therein shall be disbanded. Any real property and likewise any apparatus, equipment or other personal property owned or used by said volunteer forces which may be deemed useful or necessary for the use of the fire department shall, upon extension of the paid system to the boroughs of Queens and Richmond, respectively, be purchased by the fire commissioner at the reasonable value thereof. In the meantime, and until the said paid fire department shall be extended over said territory as herein provided, said volunteer fire companies shall continue to discharge the duties for which they have been associated or incorporated, and said companies shall receive from the city such sums as are now awarded to them by the villages or towns in which they are respectively located, except that in the boroughs of Richmond and Queens, there shall be paid on the first day of June in each year to the treasurers of the several volunteer fire companies, by the comptroller of the city of New York, the following sums: to the treasurer of an engine company or chemical engine company, twelve hundred dollars, to the treasurer of a hook and ladder company ten hundred dollars, to the treasurer of a hose company eight hundred dollars, and to the treasurer of a patrol company eight hundred dollars. Whenever hereafter the paid fire department shall be extended into any part of the territory of the city of New York, as hereby constituted, in which now or hereafter there shall exist a volunteer fire department, such members of said volunteer fire department in said locality as may be in active service shall, so far as practicable, be preferred for appointment as firemen in the paid department and the volunteer benevolent associations existing within said territory shall possess all the privileges, and be entitled to all the rights now conferred by law on such associations. The board of estimate and apportionment may, in its discretion, appropriate such sum of money as they may deem necessary for the purchase of apparatus for the use of the several volunteer companies in the borough of Queens, and for the maintenance of fire alarm systems in such borough.

§ 2. This act shall take effect immediately.

Chap. 83.

AN ACT to amend chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, known as "the Greater New York charter," relative to the construction and erection of sewage disposal works or plants and appurtenances, and providing for the payment of the cost thereof by local assessment.

Accepted by the city.

Became a law, March 7, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, known as "the Greater New York charter," is hereby amended by adding thereto a new section to be known as section five hundred and sixty-eight, and to read as follows:

§ 568. Construction of sewage disposal works or plants and appurtenances, and providing for the payment of the cost thereof by local assessment.—Wherever in this act known as "the Greater New York charter," or in any other act or acts applicable to the city of New York or the mayor, aldermen and commonalty of the city of New York, the words "sewer" or "sewers" or the words "construction, repairing and cleansing of sewers and underground drains," or the words "map or plan for the proper sewerage and drainage" or the words "the construction and care and maintenance of the sewer system and drainages," or the words "local improvement" shall occur, the said words shall be construed to include and to mean sewage disposal works or plants, and the necessary appurtenances thereto. It is the intent and meaning of this section that sewage disposal works or plants and the necessary appurtenances thereto, shall be construed as being a part and parcel of a sewer, and the cost of constructing and erecting the same shall be paid for by local assessments upon the property deemed to be benefited thereby in the same way as the cost of constructing a sewer and appurtenances is now paid for in the city of New York, and the cost of repairing, cleansing and maintaining such sewage disposal

works or plants and appurtenances, shall be paid for in the same way as the cost of repairing, cleansing and maintaining sewers and underground drains are now paid for. Power and authority to construct and erect and maintain sewage disposal works or plants and the necessary appurtenances thereto in the city of New York is hereby granted to the same authorities as the power to construct sewers and appurtenances is granted, such construction and erection and maintenance to be done under and pursuant to and in compliance with the same laws and regulations as apply to the construction and maintenance of sewers and appurtenances thereto.

§ 2. This act shall take effect immediately.

Chap. 84.

AN ACT to make the office of sheriff of Greene county a salaried one, in part, and to regulate the management thereof.

Became a law, March 7, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sheriff of the county of Greene next elected or appointed and thereafter to be elected or appointed shall receive as compensation for all his services which are now or may by law be made a county charge upon the said county of Greene, an annual salary of twenty-five hundred dollars to be paid quarterly by the county treasurer of said county, and it shall be the duty of the board of supervisors of said county to provide said treasurer with adequate funds to meet the requirements of this act; the said sheriff shall also be entitled to receive and retain to his own use, his fees and perquisites in all civil cases or proceedings in which the same are to be paid by private persons or corporations other than the county of Greene, and shall perform the duties in connection therewith without expense to the county of Greene; he shall also be allowed and entitled to be reimbursed by said county for his actual and necessary traveling expenses in the performance of his duties in criminal actions and proceedings, and in conveying prisoners and juvenile delinquents to their place of

Annual salary of sheriff

Fees and perquisites in civil cases.

Reimbursement of expenses.

Salary not
to be in-
creased or
diminished.

Pay of
under-
sheriff and
appointees.

Duties as to
service of
criminal
process, etc.

Services for
United
States and
state.

Jail and
jail
property

commitment where the fees and expenses are by law a county charge, which said expenses shall be presented to the board of supervisors in the form of an account showing each separate item expended, and shall be verified by the affidavit of the sheriff or the person making the expenditures to the effect that such statement is in all respects correct and true, that the expenses therein stated have been paid, and were actually paid for the purposes therein mentioned; the affidavit shall be positive, and not upon information and belief, and such account shall be audited and allowed by the board of supervisors of the county the same as other claims against the county are audited and allowed. The salary above provided shall not be increased or diminished during the term of office of any sheriff of said county hereafter elected or appointed; and from it he shall pay the under-sheriff, deputy sheriffs, jailers and turnkeys appointed by him, and all such assistants as shall be necessary for him to appoint or employ to enable him properly to exercise and perform the duties of his said office, except the legal fees of officers for attendance upon courts of record of said county when duly summoned. And in consideration of said salary the said sheriff shall do and perform all duties now or hereafter imposed upon him by law in the serving of all criminal subpoenas and criminal processes issued by the district attorney of said county, and as officer of the courts of record held in said county, and in summoning jurors for said courts, and shall do and perform all other duties now or which may hereafter be imposed by law upon him, or upon his under-sheriff deputy sheriffs, jailers, turnkeys or other appointees or employees, and which are now or may be made a county charge, without fee or reward from the county of Greene, except as above provided, although the statute or law imposing such duty may provide that a fee or other compensation be paid therefor. The said salary shall also constitute the whole compensation which shall be paid to or received by said sheriff for all services performed by him in his official capacity, or by his under-sheriff, deputies or other appointees, for the United States of America, or the state of New York, or chargeable thereto, or which he or they shall be required or authorized by law to perform therefor by virtue of said office.

§ 2. The jail of said county shall be kept by said sheriff as now required by law, and he shall take suitable and proper care of the jail property. He, or with his consent, his under-sheriff, deputy or

jailer, shall be permitted to occupy free of rent or charge that part of said jail which is used and occupied as the sheriff's residence, or which may be hereafter erected for that purpose, with heat and light for the same, together with the outbuildings upon the jail property. The said salary shall also constitute the whole compensation which shall be paid to or received by said sheriff for all services performed by him, or by his direction or authority, in the care of the jail and the jail property and grounds.

§ 3. It shall be the duty of the said sheriff to perform all the services which he is or shall be required or authorized by law to perform by virtue of or by reason of his holding such office.

General
duties.

§ 4. The said sheriff shall within fifteen days after he shall receive notice of his election or appointment, and before he shall enter upon the discharge of the duties of said office, execute to the county of Greene a joint and several bond in the penal sum of twenty-five thousand dollars, with two or more sufficient sureties who shall be freeholders, or a fidelity or surety company authorized by the laws of this state to transact business therein, the condition of which bond shall be to the effect that said sheriff shall well and faithfully in all things perform and execute the office of sheriff of the said county of Greene, during his term in the said office, by virtue of said election or appointment, without fraud, deceit or oppression; and shall pay over to the treasurer of said county all moneys which shall come into his hands belonging to said county as provided in the act entitled "An act to make the office of sheriff of Greene county a salaried one, in part, and to regulate the management thereof," and the acts amendatory thereof and supplementary thereto. Before the said sheriff shall be deemed qualified to enter upon the discharge of the duties of his office, the said bond shall be approved as to its form and sureties by the county judge of said county, and thereupon filed and recorded in the office of the clerk of said county; and when recorded the said bond shall be delivered by the county clerk to the treasurer of said county. If such sheriff shall neglect for ten days after the commencement of the term for which he shall have been elected or appointed to execute or file such bond, the office shall thereupon be and become vacant.

Official
bond.

Neglect to
file bond.

§ 5. The said sheriff shall provide for the maintenance, care and supervision of all prisoners and persons confined or detained in the jail of said county, and the board of supervisors shall at each

Care and
mainten-
ance of
prisoners.

annual session audit and allow to said sheriff for the maintenance, care and supervision of such prisoners and persons, whose care and maintenance shall be a county charge, a sum which shall not exceed the rate of two dollars and eighty cents per week for each prisoner and person so confined or detained. And the said sheriff shall present to said board an itemized bill showing the names of such prisoners and persons, the actual time each was confined or detained in said jail as a county charge, and the authority for such confinement or detention. The maintenance, care and supervision mentioned in this section shall include the board, washing, services and every charge of every name, nature or description which can or may legally be made in connection with said prisoners or persons from the time of their confinement or detention in said jail until their discharge, except for medical attendance, medicines and necessary clothing.

Fees or allowances to belong to county.

§ 6. All fees or allowances of every kind whatsoever which said sheriff, his under-sheriff, deputies or jailers, shall be authorized or required to charge or receive for conveying prisoners to state institutions, and for all other services for the state of New York or the United States of America for which fees are paid or allowances made, shall belong to the county of Greene, and it shall be the duty of the said officer to collect and receive for said county the full amount allowed by law for all such fees and allowances.

Account of official services.

§ 7. The said sheriff shall keep in his office, in proper books to be provided for that purpose by the board of supervisors, an exact and true account of all official services mentioned in the last section performed by him, for which he is entitled to receive fees or allowances, and the amount of money received by him on account thereof. Such books shall show when and for whom all such services shall have been performed, the fees chargeable or allowances receivable therefor, and the amount of money actually received on account thereof. Such books shall, during office hours, be open to the inspection of any person.

Statement of services performed.

§ 8. Said sheriff shall, within five days after the expiration of every three months during his term of office, transmit to the treasurer of the county of Greene a statement of all services mentioned in the last section which shall have been performed by him, and of the amount properly chargeable therefor, and of the moneys received by him on account thereof. Such statement shall also contain an account of the moneys actually and necessarily ex-

pended by the sheriff in the performance of such services, which account shall show the purpose for which such expenditure was made and the amount of each separate item so expended. Such statement shall be verified by the affidavit of the sheriff, or the person receiving said money or making such expenditure, to the effect that the said statement is in all respects correct and true, and that the said services were actually performed, that the moneys therein charged were actually received, and that the expenses therein stated to have been paid were actually paid for the purposes therein mentioned. The affidavit shall be positive, and not upon information and belief. The said sheriff at the time of rendering the said account shall pay all the moneys so received by him, to the treasurer of the county of Greene, and shall be reimbursed for his said expenses as provided by section one of this act.

Verifi-
cation.

Payment
over of
moneys.

§ 9. It shall be the duty of said sheriff to provide suitable janitor service for the court house of said county, and keep said court house clean throughout, and cause the grounds and sidewalks connected with the court house to be kept reasonably free from snow and ice and in other respects clean and in good order. And for such services the said sheriff shall be entitled to receive the further and additional annual compensation of three hundred dollars to be paid quarterly by the treasurer of the county.

Care of
court house
and
grounds.

§ 10. There shall be one under-sheriff who shall be appointed by the sheriff and serve during his pleasure, and the sheriff may appoint as many deputies as he may choose and as allowed by law who shall also serve during his pleasure, but the compensation of such under-sheriff and deputies shall not in any case be a county charge except as otherwise provided in this act. The sheriff shall be responsible for the official acts of the under-sheriff and said deputies and may require bonds from them, subject to his approval, for the faithful performance of their respective duties; and they shall be entitled, respectively, to be reimbursed by said county for their actual and necessary traveling expenses in the performance of their respective duties in criminal actions and proceedings, in all cases where the fees and expenses are or may be by law a county charge. The county of Greene shall in no respect be held responsible for any official act of the said sheriff or any of his appointees.

Under-
sheriff and
deputies.

County not
responsible.

§ 11. Nothing in this act shall be construed to prevent the sheriff from appointing as many special deputies as may be actually

Special
deputies

necessary to preserve order and the peace of the people and protect property in time of riot or other unlawful assemblies, and the cost and expense thereof shall be a charge upon the county of Greene and shall be audited and allowed to those duly appointed and acting as such special deputies, by the board of supervisors, as other claims against the county are audited and allowed.

Court
officers.

§ 12. At each term of a court of record held in said county, where a petit jury only is to be in attendance, the sheriff shall summon not more than six constables or deputies to attend as such court officers; and when both petit and grand juries are to be in attendance, the sheriff shall summon not more than eight constables or deputies to attend as such court officers; and except as herein provided no other court officers shall be summoned or appointed except by the order of the judge holding the court.

Convey-
ance of
prisoners.

§ 13. It shall be the duty of the sheriff to convey or cause to be conveyed all prisoners confined in the jail of said county, to and from any court or magistrate of the county to and from said jail, whenever the presence of such prisoners is required before such court or magistrate, and no compensation shall be paid or allowed for such services other than the salary mentioned in section one of this act.

District
attorney to
deliver
criminal
subpoenas,
etc., to
sheriff.

§ 14. It shall be the duty of the district attorney of Greene county to deliver to the sheriff of such county all criminal subpoenas and criminal processes of every name and nature issued by him or by or under his authority.

Inventories
of property.

§ 15. The present sheriff and each of his successors in office shall file annually with the board of supervisors at their annual session a correct inventory, duly verified, of all personal property owned by the county and in the jail or upon the jail property. Such inventory shall also contain a separate statement showing all the personal property which the sheriff shall have bought or furnished for the county during the last preceding year, and the person from whom each purchase was made, and the date and amount of each purchase. On the expiration of his term of office the sheriff shall execute in duplicate a similar inventory, one copy of which shall be filed by him with his successor in office and the other copy in the office of the clerk of Greene county.

Certain acts
a misde-
meanor.

§ 16. Any officer referred to in this act, or any appointees of such sheriff, who shall receive to his own use or neglect to ac-

count for any moneys, fees, perquisites or emoluments by this act declared to belong to and be for the benefit of Greene county, or any sheriff who neglects to render to the county treasurer of said county an account of all fees, perquisites and emoluments received or to pay over the same as herein required, shall be deemed guilty of misdemeanor, and upon conviction thereof shall forfeit his office and shall be punished by fine or imprisonment, or both, at the discretion of the court before whom such officer or appointee may be convicted, and shall be liable to said county in a civil action for all moneys so received and not accounted for; and the said sheriff shall also be liable to said county for any and all damages sustained by the county by reason of the failure of said sheriff to perform any duty devolving upon him under this act or otherwise prescribed by law.

Liability of sheriff.

§ 17. All acts and parts of acts inconsistent with this act are hereby repealed so far as the same relate to Greene county, and said county is excepted from their provisions.

Repeal.

§ 18. This act shall take effect immediately.

Chap. 85.

AN ACT to amend chapter three hundred and sixty of the laws of eighteen hundred and sixty-three, entitled "An act to consolidate school districts numbers five, eight, eleven, and fifteen, of the town of Kingston, Ulster county, into one school district."

Became a law, March 7, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four of chapter three hundred and sixty of the laws of eighteen hundred and sixty-three, entitled "An act to consolidate school districts numbers five, eight, eleven and fifteen of the town of Kingston, Ulster county, into one school district" is hereby amended to read as follows:

School act amended.

§ 4. Whenever the term of office of trustee of any of the said primary school districts expires on the first Monday of January, in any year, there shall be elected in and for the said primary school districts, on the first Monday of December preceding, in

Election of trustee and clerk of primary district.

the manner that trustees of school districts are elected, except as herein otherwise provided one trustee who shall be a resident of said primary school district and who shall hold his office for three years. There shall also be elected in said primary school district, at the time of electing trustee, a clerk who shall hold his office for three years. Within ten days after such election the clerk of said primary school district shall certify to the board of education hereinafter created, the names of the officers so elected. The polls of every such election shall be opened at five o'clock postmeridian and shall remain open until eight thirty postmeridian.

§ 2. Section five of said act is amended to read as follows:

Election of
trustees
at large.

§ 5. On the first Tuesday in August, at the Kingston academy, in each year, there shall be elected in the manner hereinafter provided two trustees at large in and for the said Kingston school district, who shall hold their office for three years from the first Monday of January following. The polls of every such election shall be opened at twelve o'clock noon and shall remain open until nine o'clock in the evening. Within ten days before such annual election, the president or in his absence or inability to act the secretary of the Kingston board of education, shall designate in writing a member of the board of education other than one whose term expires during the following January, to preside at such election. In case any such designated member shall, be unable to attend and preside at such election, he shall cause notice of such inability, immediately upon the occurring thereof to be given to the president or secretary of such board, who shall immediately thereupon designate and notify in writing another member of such board of education other than one whose term expires during the following January, to preside at such election. Such presiding officer shall, at or before the opening thereof, designate two persons who shall act as inspectors of such election, and whose duties shall be to have at the opening thereof the ballot-box provided by the presiding officer wholly empty of ballots and papers, to keep a true poll-list of the name and residence of each person voting and of each person challenged and voting, and of each person challenged and not voting thereat, and to aid the presiding officer in counting the ballots and ascertaining the result of the election. The voting shall be wholly by ballot, which may be printed or written, with

Presidin
officer of
election.

Inspectors.

Manner of
voting,
challenge,
etc.

the name of the candidates thereon. The vote or ballot of any person offered at such election shall upon challenge by any lawful voter thereat, be rejected, unless he be sworn as to his qualifications as such voter; and the presiding officer shall administer an oath to such person to the effect that he will true answers make to such questions as shall be put to him touching his qualifications as a voter and his right to vote at such election, and such presiding officer shall thereafter examine him as to such qualifications and his right to vote. If he shall swear to the necessary qualifications of a voter, his vote shall then be received and deposited. If the person sworn and examined intentionally swears falsely as to his qualifications as a voter he shall be deemed guilty of perjury, and shall, on conviction, be punished as now prescribed by law for the crime of perjury. Each ballot shall, by the person offering the same, be delivered to the presiding officer, who shall at once, unless it be challenged or he deem it advisable to administer the oath under the provisions hereinbefore made, deposit the same in the ballot-box. At the close of the polls at such election, the presiding officer and the inspectors thereof shall immediately make a true and correct count of the ballots cast, and the two persons receiving the greater or greatest number thereof shall be, at the close thereof, declared elected such trustee by the presiding officer, who with said inspectors, shall make and file with the secretary of the board of education, within twenty-four hours next succeeding the close of such election their certificate of the whole number of votes cast thereat, and the number thereof received by each candidate, and of the election of the two candidates receiving the greater or greatest number thereof, together with the poll-list of the election certified to be correct and accurate by them. Every presiding officer or inspector of such election who shall intentionally omit, neglect or refuse to do any act required by this section, shall be guilty of a misdemeanor. The chairman and two inspectors of election shall receive for their services the sum of three dollars each, to be paid by the said board of education in accordance with the provisions of section eighteen of chapter three hundred and sixty of the laws of eighteen hundred and sixty-three. Every officer, except the presiding officer and inspectors of election appointed or elected under the pro-

Canvass
and certifi-
cate of vote.

Misdemeanor.

Compensation.

Holding
over in
office.

visions of this act, shall hold his office until his successor is elected or appointed and enters upon the discharge of the duties of his office.

§ 3. Section nine of said act is amended to read as follows:

Board of
education.

Meetings
and officers.

§ 9. The said trustees of the said Kingston and primary school districts, and their successors to be chosen as provided in this act, shall constitute a board, to be styled the "Kingston board of education," which shall be a body corporate, with all the general powers of a corporation under the revised statutes. The first meeting of the board shall be held in the said village of Kingston, on the last Wednesday of May, eighteen hundred and sixty-three, and the annual meeting of said board shall be held on the last Wednesday of April in each year. At the first meeting of the board, and annually thereafter at the annual meeting, they shall elect one of their number president of the board, and whenever he shall be absent a president pro tempore shall be appointed. The members of the said board shall not receive any compensation, for their services; except for services as presiding officer at an election as hereinbefore provided; neither shall they be interested directly or indirectly in any contract for improvements or repairs which may be made by said board. The said board shall meet for the transaction of business, as often as once in every month and may adjourn for a shorter period. Special meetings may be called by the president, or in his absence or on his refusal or inability to act, by a majority of the members of the board, as often as necessary, by giving personal notice to each member of the board, or by causing a written or printed notice to be left at his place of residence at least twenty-four hours before the time for such special meeting.

Not to be
interested
in con-
tracts, etc.

Special
meetings.

§ 4. Section three of chapter forty of the laws of eighteen hundred and sixty-four, entitled "An act to amend 'An act to consolidate school districts number five, eight, eleven and fifteen, of the town of Kingston, Ulster county, into one school district'" is hereby amended so as to read as follows:

Failure to
hold
election.

§ 3. In case of the failure of the inhabitants of the Kingston school district from any cause to hold the election on the first Tuesday in August in each year the same may be held at such other time thereafter as the board of education shall by resolution designate. And it shall be the duty of the board of edu-

ation after such failure, forthwith to make such designation and give the requisite notice thereof.

§ 5. This act shall take effect immediately.

Chap. 86.

AN ACT to legalize the official acts of certain justices of the peace and authorizing them to execute and file official bonds and official oaths.

Became a law, March 7, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The official acts of every justice of the peace heretofore done and performed, duly elected or appointed to office, so far as such official acts may be affected, impaired or questioned by reason of the failure of any such justice of the peace to take and subscribe the official oath, or give an official bond as required by law, are hereby legalized, ratified and confirmed, and any justice of the peace heretofore elected or appointed to the office who has neglected to file an official bond or undertaking or take the oath of office within the time prescribed by law, may take such oath and file such bond or undertaking within sixty days from and after the passage of this act and the same shall have all the force and effect and validity as if the same had been done within the time required by law. Nothing herein contained shall effect* any action or proceeding now pending.

Official acts
legalized.

Official
oaths and
bonds.

§ 2. This act shall take effect immediately.

Chap. 87.

AN ACT to amend the agricultural law, relative to distribution of moneys to agricultural societies.

Became a law, March 7, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-eight of chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three,

*So in the original.

entitled "An act in relation to agriculture, constituting articles one, two, three, four and five of chapter thirty-three of the general laws," as amended by chapter four hundred and ninety-four of the laws of eighteen hundred and ninety-eight, is hereby amended so as to read as follows:

§ 88. Receipts and apportionment of moneys for the promotion of agriculture.—Of all moneys appropriated for the promotion of agriculture in any one year, twenty thousand dollars thereof shall be distributed in premiums by the New York State Agricultural Society; two thousand dollars thereof shall be paid to each of the agricultural societies, agricultural clubs, or agricultural expositions which shall have held annual agricultural fair meetings during each of the three years next preceding such appropriation, and which shall have paid at each of such annual fairs or meetings during such three years the sum of three thousand dollars as premiums for agricultural interests, exclusive of the premiums paid for trials or tests of speed, skill or endurance of man or beast, under the conditions and in the manner provided by section eighty-nine of this chapter. Seventy per centum of the balance of the amount so appropriated shall be apportioned and distributed among the various county agricultural societies, the American Institute of the City of New York, and any agricultural society which has received from the state funds no money, except that set apart for or distributed to county agricultural societies, and thirty per centum thereof among the various town and other agricultural societies, agricultural clubs or agricultural expositions entitled by this section to receive thirty per centum of the moneys received by the comptroller from the tax collected from the racing associations, corporations or clubs of the state. Such apportionment and distribution shall be made by the commissioner of agriculture in the following manner: One-half of the seventy per centum to be apportioned to such county agricultural societies, the American Institute of the City of New York, and any agricultural society which has received from the state funds no money except that set apart for or distributed to county agricultural societies, shall be apportioned and distributed equally and the remainder in proportion to the actual premiums paid during the previous year by such societies

and institute, exclusive of premiums paid for trials or tests of speed, skill or endurance of man or beast. If there is no county agricultural society in any county, or if the county agricultural society is not in active operation as such, then the town society or societies in such county, or other agricultural societies in such county, except the New York State Agricultural Society, that would otherwise be entitled to share under the thirty per centum distribution referred to in this section, shall share jointly in the distribution of such money on the same basis as they would if they were a county agricultural society, provided such societies sustain a public fair with premium list, which premium list and reports of such societies shall be forwarded and made to the commissioner of agriculture. Of the thirty per centum to be distributed among the various town and other agricultural societies, clubs or expositions one-third thereof shall be apportioned and distributed equally and the remainder in proportion to the premiums awarded and paid by said society, club or exposition for exhibits made at the annual fair upon the awards or premiums of which they seek a portion of the money to be distributed, exclusive of premiums paid for trials or tests of speed, skill or endurance of man or beast. No proportion of such amount shall be paid to any such society, club or exposition in which the actual amount paid by it as such premiums in the year preceding such apportionment, is less than five hundred dollars. All revenues which have been or shall be received by the comptroller, and not distributed as heretofore provided, and all moneys received by him from the tax collected from racing associations pursuant to chapter one hundred and ninety-seven of the laws of eighteen hundred and ninety-four, and chapter five hundred and seventy of the laws of eighteen hundred and ninety-five, and all acts amendatory thereto, or hereafter otherwise collected from racing associations, corporations or clubs, shall constitute a fund, which shall be annually disbursed on behalf of the state for prizes for improving the breed of cattle, sheep and horses at the various fairs throughout the state as hereinafter prescribed. Thirty per centum of the funds so collected shall be disbursed by the commissioner of agriculture among the agricultural societies, agricultural clubs or agricultural expositions of the state, which had not, previous to May twenty-ninth, eighteen hundred and ninety-five, received appro-

priations from the state, other than appropriations that they received from the fund to be distributed to county societies from the fact that there was no county society in existence or in active operation within the county, as follows: One-third shall be apportioned and distributed equally and the remainder in proportion to the premiums awarded and paid by said society, club or exposition for exhibits made at the annual fairs upon the awards or premiums of which they seek a portion of the money to be distributed, such sums shall only be paid to such societies which have received appropriations from the state previous to the passage of this act, and are now duly organized under the laws of the state of New York, and in active operation in counties having a population according to the census of eighteen hundred and ninety-two of over three hundred and twenty-five thousand inhabitants, or which shall have held fairs, annually, during each of the three years prior to May twenty-ninth, eighteen hundred and ninety-five, and which shall have paid, at their annual meetings or fairs during such three years, not less than one thousand dollars in the aggregate as premiums for agricultural, mechanical and domestic products, exclusive of the premiums paid for trials or tests of speed, skill or endurance of man or beast, and which shall have filed their report with the commissioner of agriculture, on or before July first, eighteen hundred and ninety-five, as heretofore provided in chapter eight hundred and twenty of the laws of eighteen hundred and ninety-five. Seventy per centum of such funds shall be disbursed by the commissioner of agriculture among the various county agricultural societies throughout the state, the American Institute in the City of New York, and any agricultural society which has received from the state funds no money except that set apart or distributed to county agricultural societies, as follows: One-half shall be apportioned and distributed equally, and the remainder in proportion to the premiums awarded and paid by said society, club or exposition, for exhibits made at the annual fair upon the awards or premiums of which they seek a portion of the money to be distributed, exclusive of premiums paid for trials or tests of speed, skill or endurance of man or beast. If there is no county agricultural society in any county, or if the county agricultural society is not in active operation as such, then the town society or societies in such county, or other agri-

cultural societies in such county, except the New York State Agricultural Society, that would otherwise be entitled to share under the thirty per centum distribution referred to in this section, shall share jointly in the distribution of such money on the same basis as they would if they were a county agricultural society, provided such societies sustain a public fair, with premium list, and reports of such societies shall be forwarded and made to the commissioner of agriculture, and any agricultural society which has received each year since its incorporation, money from the state of the same amount as if said society were the county society, shall continue to share in the funds the same as though it were actually the county society, on condition that it shall fulfill the provisions of this act as to holding fairs, paying premiums and filing reports, and any fair association which shall have received no money from the state funds except that distributed to county agricultural societies, and shall have held a fair as required by this act, shall receive from the funds apportioned to county agricultural societies in the same relative proportion as if it were actually the county society and shall share in any part of any year's fund set apart or retained from the money apportioned to agricultural societies for that year in the same relative amount as any county agricultural society shared in the agricultural society funds of that year, and such society shall hereafter be subject to all provisions of this act relating to county agricultural societies. All agricultural societies, agricultural clubs or agricultural expositions entitled to receive any portion of the moneys appropriated by the state must hereafter, on or before the fifteenth day of December, in each year, file a statement, duly verified by the secretary and treasurer, showing the amount of premiums paid at the last annual fair, exclusive of the premiums paid for trials or tests of speed, skill or endurance of man or beast, which statement shall be filed in the office of the commissioner of agriculture, otherwise such society, club or exposition shall forfeit its right to participate in the distribution of such moneys for premiums paid for such year. No proportion of such moneys shall be paid to any such society, club or exposition in which the actual amount paid by it as such premiums in the year preceding such apportionment, is less than five hundred dollars. Any town or other agricultural society in a county in which there is no county agricultural so-

cietý in active operation and which, according to the terms of this section receives any portion of the seventy per centum of such funds apportioned to county agricultural societies, shall not receive any portion of the thirty per centum of such funds. Any such society, club or exposition, receiving the sum of two thousand dollars under the provisions of section eighty-nine of this act, shall not receive any other portion of the money appropriated for the promotion of agriculture. Any such agricultural society, agricultural club, agricultural exposition, or agricultural fair association, organized under the laws of the state of New York, which shall fail or neglect to hold annual fairs and file their annual reports as provided by this law, with the commissioner of agriculture, for two consecutive years, shall forfeit all of their chartered rights, including any privileges or moneys they might thereafter otherwise be entitled to under this act.

§ 2. This act shall take effect immediately.

Chap. 88.

AN ACT authorizing The Buffalo and Niagara Falls Electric Railway, its successors and assigns, and any corporation into which it may be merged, to own, maintain and operate railways and bridges and the properties and franchises of any company or companies owning any such railways or bridges situate wholly or partly within the province of Ontario in the Dominion of Canada.

Became a law, March 7, 1900, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Acquisition
of railways,
etc., author-
ized.

Section 1. The Buffalo and Niagara Falls Electric Railway (a corporation created and existing by consolidation of Buffalo and Niagara Falls Electric Railway and Buffalo and Tonawanda Electric Railway) is and it, and its successors and assigns, are hereby authorized and empowered, when authorized by the Province of Ontario, or by the Dominion of Canada, to acquire, own, maintain and operate any railways, bridges, properties and franchises of any company or companies, owning any such railway

or bridge situate wholly or partly within the Province of Ontario in the Dominion of Canada; and the powers hereby granted shall vest in any corporation into which said Buffalo and Niagara Falls Electric Railway shall be merged.

§ 2. This act shall take effect immediately.

Chap. 89.

AN ACT to amend the banking law relative to annual meetings and election of directors of banks.

Became a law, March 7, 1900, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifty of the banking law is hereby amended so as to read as follows:

§ 50. Annual meeting and election of directors.—Every bank shall hold an annual meeting for the election of directors on the second Tuesday in January or within ten days thereafter. Notice of such meeting shall be given as required by the stock corporation law. No person shall be eligible to election as director of a bank having a capital of fifty thousand dollars or over unless he is a stockholder of the corporation owning in his own right an amount equal to at least one thousand dollars in value, nor of a bank having a capital of less than fifty thousand dollars, unless he is a stockholder in his own right to an amount equal to at least five hundred dollars; and every person elected to be a director, who after such election shall cease to be the owner in his own right of the amount of stock aforesaid, shall cease to be a director of the corporation, and his office shall be vacant. The directors shall hold office for one year and until their successors are elected and have qualified. Each director must be a citizen of the United States, and at least three-fourths of the directors must be residents of this state at the time of their election and during their continuance in office. All vacancies in the office of director shall be filled by election by the stockholders; but vacancies not exceeding one-third of the

whole number of the board may be filled by the directors then in office, and the directors so elected may hold their offices until filled by the stockholders at a special or annual meeting. One of the directors to be chosen by the board, shall be the president of the board; and if the certificate of incorporation or the by-laws do not prescribe the number of directors necessary to constitute a quorum, and makes no provision for determining the same, the directors may fix the number necessary to constitute a quorum for the transaction of business, which shall not be less than five, with the same effect as if such number was prescribed in the certificate of incorporation.

§ 2. This act shall take effect immediately.

Chap. 90.

AN ACT to validate and confirm a grant of lands under the waters of the East river, made by the commissioners of the land office, to John B. Reboul, on the fifth day of May, eighteen hundred and eighty-five, and to release any interest of the state in and to the lands covered by said grant.

Became a law, March 7, 1900, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The grant of lands under the waters of the East river, made by the commissioners of the land office to John B. Reboul, on the fifth day of May, eighteen hundred and eighty-five, and recorded in the office of the secretary of state, in book of patents number forty-four, at page two hundred twenty-seven, is hereby validated and confirmed; and any interest of the state in, or to the lands covered by said grant, is hereby released and surrendered.

§ 2. This act shall take effect immediately.

Chap. 91.

AN ACT to amend chapter seven hundred and forty-seven of the laws of eighteen hundred and ninety-six, entitled "An act to revise and consolidate the several acts in relation to the city of Kingston, to revise the charter of said city, and to establish a city court therein and define its jurisdiction and powers."

Accepted by the city.

Became a law, March 7, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision four of section seventy-seven of chapter seven hundred and forty-seven of the laws of eighteen hundred and ninety-six is hereby amended so as to read as follows:

4. Contract with the city of Kingston hospital for the medical and surgical treatment of the city poor thereat and expend therefor forty-five hundred dollars per annum, or so much thereof as may be necessary.

§ 2. This act shall take effect immediately.

Chap. 92.

AN ACT to provide for the submission of a proposition to the electors of Cayuga county for the erection of a soldiers' and sailors' monument therein, and authorizing the board of supervisors to raise the necessary money therefor.

Became a law, March 7, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. There shall be submitted to the electors of the county of Cayuga, at the next general election therein, a proposition for the erection in such county of a soldiers' and sailors' monument, and authorizing the board of supervisors to raise the necessary money therefor. If such proposition is adopted, the board of supervisors shall determine, by resolution, the amount necessary for the erection of such monument, and the acqui-

Submission
of question.

Levy of tax.

tion of a site therefor, and such amount shall be a county charge, to be levied and collected in the next annual tax levy, in the same manner as other county charges, and shall be expended under the direction of the board of supervisors, for the acquisition of a site and the erection of a soldiers' and sailors' monument, in accordance with such proposition. No county officer shall receive any compensation for services rendered pursuant to this act.

§ 2. This act shall take effect immediately.

Chap. 93.

AN ACT authorizing the city of Elmira to issue bonds for paving and sidewalk purposes.

Accepted by the city.

Became a law, March 7, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Issue of
bonds
authorised.

Submission
of question.

Notice of
election.

Inspectors.

Section 1. The city of Elmira by its common council shall have authority, and it shall be its duty by resolution duly adopted, to cause bonds of said city, in the sum of not more than fifty thousand dollars, to be known as pavement and sidewalk bonds, to be issued and sold annually for the next five years, making a total issue of two hundred and fifty thousand dollars; provided, however, and the authority of the city to issue said bonds is upon the condition that a majority of the votes cast at the special election hereinafter provided, shall be for the issuing thereof. Immediately upon the passage of this act, the common council of said city shall, by a resolution, fix a day and a place for a special election at which the question whether said bonds shall be issued or not will be submitted to the qualified voters for their determination. A notice stating that such election for such purpose, at the time and place so fixed, will be held, and the qualifications of voters thereat, and the hours during which the polls will be open, shall be published once in each of the four weeks next preceding the day of said election in at least three of the daily newspapers of said city, to be designated by the common council. The common council shall

appoint three persons who shall take the constitutional oath of office and shall be a board of inspectors for the purposes of said election. The common council shall fill all vacancies in said board. Said board shall appoint from its members a chairman, who shall preside at such election, administer all oaths required, and have the powers and perform the duties usually incident to such office. The said board shall have the powers and perform the duties usually incident to boards of inspectors in so far as the fulfillment of the purposes and provisions hereof may require. The common council shall cause ballots of the requisite number and form to be printed and accessible to voters at such election. Such ballots shall be alike in every respect, except as hereinafter provided. They shall have printed in the inside thereof the words, "Authorizing the city to issue bonds for paving and sidewalk purposes," and in the margin and opposite thereto, the word "For" or the word "Against." Every male resident of said city of the age of twenty-one years or over, whose name shall be in the last assessment-roll of said city, and upon whose property or upon whom, as the owner or possessor of property, a tax shall be assessed in and by said roll, and no other person or persons whatever shall be a qualified voter at said election. The chamberlain of said city shall make and have ready two complete and accurate copies, certified to be such by him, of the names of such male residents, arranged alphabetically, one of which shall be retained by the board of inspectors as a registry-list of voters, and the other of which shall be accessible to the voters. The polls shall be open at eight o'clock in the forenoon, and remain open until seven o'clock in the afternoon, when they shall be closed. Any person offering to vote may be challenged in relation to his right so to do by a qualified voter, and thereupon the chairman of the board of inspectors shall tender to him the following oath: "You do swear (or affirm) that you are a resident of the city of Elmira and are of the age of twenty-one years or over, and that you have not voted at this election." If he takes such oath and be named in said copies of the assessment-roll, his vote shall be received, and not otherwise. All provisions of law for punishing false swearing and fraudulent voting at elections so far as the same can be applied shall be applicable to such election. The certificate of the board of inspectors of the canvass of the voters, shall, at

Ballots.

Qualifications of voters.

Registry list.

Conduct of election.

Certificate of canvass.

its completion, be forthwith, by the chairman, delivered to the clerk of the city, who shall return the same to the common council at their next meeting thereafter, and the result of said election as shown by said certificate shall be entered in the minutes thereof. If said certificate shows that the greater number of votes cast had the word "For" in the margin the authority to the city to issue and sell said bonds shall, therefore, be effective. Such bonds shall be signed by the mayor and clerk, and sealed with the seal of the city. They shall be of a denomination or denominations, and shall mature at such times as the said common council shall determine, and shall bear interest at a rate not exceeding four per centum per annum, payable semi-annually. They shall be sold at not less than par value.

Issue and
sale of
bonds.

Record of
bonds.

Application
of proceeds.

§ 2. The chamberlain of said city shall make and keep in the office a record of said bonds by number, date, amount, date or dates of maturity, the name of payee or names of payees, if registered. The moneys therefrom shall be paid to him, and by him placed to the credit of the pavement and sidewalk fund, as created by the charter of said city, and shall be used and expended by and under the direction of the board of public works of said city, in paving or repaving such street, or streets, or repairing the pavements on the streets, or such portions thereof of the city, or for building or repairing sidewalks of said city in such manner and with such material as said board may determine. Such moneys shall in all respects be deemed to be and be treated as a part of the pavement and sidewalk fund, created by the charter of said city, and all regulations and provisions of the charter of said city, being chapter six hundred and fifteen of the laws of eighteen hundred and ninety-four, entitled, "An act to revise the charter of the city of Elmira," as amended, relative to the use, disposition, control, management, the liability of property owners, and the city for and the payment, assessment, collection and expenditures of the moneys of said pavement and sidewalk fund, shall apply to the avails of said bonds, as forming a part of said fund.

Part of
pavement
and side-
walk fund.

Tax for
principal
and
interest.

§ 3. The city of Elmira is hereby authorized to raise by tax, in addition to all other sums now authorized by law, whatever sums may be necessary to pay the interest on such bonds, and the principal at the times of maturity.

§ 4. This act shall take effect immediately.

Chap. 94.

AN ACT to amend chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled "An act in relation to taxation, constituting chapter twenty-four of the general laws."

Became a law, March 8, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and seventy of chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled "An act in relation to taxation, constituting chapter twenty-four of the general laws," is hereby amended to read as follows:

§ 170. State board of tax commissioners.—The tax commissioners now in office shall continue in office for the terms for which they were appointed, and they and their successors shall constitute the state board of tax commissioners. On the expiration of their terms the governor shall appoint three commissioners by and with the advice and consent of the senate, to hold office for three years, and so classified that the term of office of one of them shall expire with the thirty-first day of December in each year, and in case of a vacancy the appointment shall be for the unexpired term. Each commissioner shall receive an annual compensation of five thousand dollars, payable monthly, and in addition thereto the expenses actually incurred by him, in the discharge of his official duties, including expenses while attending meetings of the commission.

§ 2. Subdivision six of section one hundred and seventy-one of the tax law as amended by chapter seven hundred and twelve of the laws of eighteen hundred and ninety-nine is hereby amended so as to read as follows: Employ a secretary, prescribe his duties and fix his salary at a sum not to exceed thirty-five hundred dollars per annum; employ not to exceed six special agents who shall be deemed the confidential agents of the board; and experts and other needed assistants and prescribe their duties. It shall fix the compensation of such employees, which shall not exceed in the aggregate the amount annually appropriated by the legislature for that purpose.

§ 3. This act shall take effect immediately.

Chap. 95.

AN ACT to enable the Union Religious Society of Colored People of Geneva to convey its real property to the trustees of the Presbyterian Church of Geneva.

Became a law, March 8, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The Union Religious Society of Colored People of Geneva, a religious corporation incorporated under the laws of this state, is hereby authorized and empowered to transfer and convey its real property situated in the city of Geneva to the trustees of the Presbyterian church of Geneva, a religious corporation having its place of worship in said city, and commonly known as the First Presbyterian church of Geneva.

§ 2. This act shall take effect immediately.

Chap. 96.

AN ACT making an appropriation for salaries of the tax commissioners, the expenses of the state board of tax commissioners, including the expenses of their office, and the salaries of their employes.

Became a law, March 8, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation for salaries and expense.

Section 1. The sum of forty-nine thousand three hundred and fifty-nine dollars is hereby appropriated in addition to all sums heretofore appropriated for the salaries of the tax commissioners, the expenses of the state board of tax commissioners, including their office expenses and the salaries of their employes, out of which sum there shall be paid to the said tax commissioners for salaries not heretofore provided for, the sum of five thousand dollars, or so much thereof as may be necessary, which is hereby appropriated for the payment of said commissioners' salaries at the rate of five thousand dollars per annum from February first

Commissioners' salaries.

to October first, nineteen hundred. For the salary of the secretary of the said board of tax commissioners, the sum of one thousand dollars, or so much thereof as may be necessary, and any appropriation heretofore made for the salary of the clerk of the said state board of tax commissioners is hereby reappropriated and made available for the salary of the secretary of the state board of tax commissioners. For salary of a confidential appraiser at a compensation not exceeding three hundred dollars per month, two thousand four hundred dollars; for salary of an expert stenographer at a compensation not exceeding twelve hundred dollars per annum, seven hundred dollars, or so much thereof as may be necessary; for the salary of a book keeper and expert accountant, at a compensation not exceeding two thousand dollars per year, eleven hundred and sixty-six dollars and sixty-two cents, or so much thereof as may be necessary; for the salary of a chief clerk at a compensation not exceeding fifteen hundred dollars per annum, eight hundred and seventy-five dollars, or so much thereof as may be necessary; for other necessary clerical help, the sum of fourteen hundred and sixty-six dollars and sixty-six cents, or so much thereof as may be necessary; for other necessary stenographic work, the sum of five hundred and thirty-three dollars and thirty-three cents in addition to the sum heretofore appropriated for stenographic work; for not to exceed six special agents at a compensation not exceeding one hundred and fifty dollars per month each, sixty-three hundred dollars, or so much thereof as may be necessary; for the expenses and disbursements necessarily incurred by them in the discharge of their duties, to be paid upon the audit of the comptroller, fifty-two hundred and fifty dollars, or so much thereof as may be necessary; for the payment of the expenses actually incurred by the commissioners in the discharge of their official duties, including expenses while attending meetings of the commission, the sum of five thousand dollars, or so much thereof as may be necessary; to supply the deficiency in printing, postage, express, stationery, telephone and telegraph tolls and other miscellaneous office expenses, the sum of thirty-six hundred and sixty-seven dollars, or so much thereof as may be necessary; for services and expenses of experts for appraisal and valuation, the sum of ten thousand dollars, or so much thereof as may be necessary, to be paid upon the certificate of the

Secretary.

Confidential appraiser, stenographer, etc.

Chief clerk and clerical help.

Special agents.

Expenses.

Additional
salary of
commis-
sioners.

board of tax commissioners and the audit of the comptroller. For each of said tax commissioners for services to be rendered between the passage of this act and October first, nineteen hundred, under the provisions of chapter seven hundred and twelve of the laws of eighteen hundred and ninety-nine the additional salary of two thousand dollars.

§ 2. This act shall take effect immediately.

Chap. 97.

AN ACT to reappropriate certain unexpended balances of former appropriations, in the state treasury and for the disbursement thereof in accordance with the terms of a judgment of the supreme court.

Became a law, March 8, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Reapprop-
riation of
balances.

Section 1. The unexpended balances of an appropriation made by the provisions of chapter one hundred and thirteen of the laws of eighteen hundred and eighty-seven, for work performed and material furnished on Lock number seven of the Oswego canal, being the sum of eighteen thousand eight hundred and thirty-nine dollars and seventy-four cents, and of an appropriation made by the provisions of chapter four hundred and sixty-three of the laws of eighteen hundred and eighty-seven, for work done and materials furnished upon lock number seventy-two of the Erie canal, being the sum of seven thousand, two hundred and forty-two dollars, which are now in the treasury of the state of New York, or so much of the amounts aforesaid as shall be necessary, are hereby reappropriated for the same objects and purposes as in the original appropriations, and the moneys so remaining in the treasury, with interest accruing thereon since the fourteenth day of November, eighteen hundred and eighty-eight, to the extent that the same shall be required for said purposes, are hereby directed to be paid to the Third National Bank of Syracuse, and to the personal representatives or assigns of William C. Rodger or to their respective attorneys of record and in accordance with the terms of a judgment entered in the office

Payment in
accordance
with terms
of judg-
ment.

of the clerk of Albany county, on the tenth day of July, eighteen hundred and ninety-five, in an action brought in the supreme court, wherein the people of the state of New York were the plaintiffs, and Stephen L. Rockwell, John J. McLean, Third National Bank of Syracuse, William C. Rodger, and others, were defendants, which said judgment was affirmed by the court of appeals on the sixth day of June eighteen hundred and ninety-nine.

§ 2. This act shall take effect immediately.

Chap. 98.

AN ACT making the office of treasurer of Oneida county a salaried office and regulating the management thereof.

Became a law, March 8, 1900, with the approval of the Governor. Passed three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The county treasurer of the county of Oneida next elected or thereafter to be elected or appointed shall receive annually as compensation for his services and for the services of his deputy and all persons who it may be necessary for him to employ to properly perform the duties of such office, and all work, labor and duties appertaining thereto, the sum of four thousand five hundred dollars, payable quarterly by said county treasurer. Such compensation shall not be increased or diminished during the term of office of any incumbent of said office hereinafter chosen or appointed.

Annual compensation for services.

§ 2. The said county treasurer of Oneida county is hereby authorized to appoint a person to be and to act as deputy treasurer of said county to act during the pleasure of said county treasurer, and to have and possess in the absence of said treasurer all the power possessed by him, except that of signing bonds or certificates of indebtedness. The said treasurer shall be responsible for the acts of said deputy. Such appointments shall be in writing and filed in the office of the clerk of Oneida county. Any default or misfeasance in office of such deputy treasurer or of any employee of said treasurer shall be deemed to be a breach of the condition of the bond or undertaking given or to be given by such treasurer according to law.

Deputy treasurer.

Duty of
treasurer.

§ 3. It shall be the duty of said treasurer to perform all the services which he shall be required or authorized by law to perform by virtue of or by reason of his holding such office, for the state, for the county, for towns, corporations and for individuals, and no compensation, payment or allowance shall be made to him or said deputy treasurer or to any person whom he has entrusted with the performance of any duty connected with said office or appointed to any position of trust or profit thereunder or to any other persons for his or their own use for any such services except the compensation named in this act.

Fees, emolu-
ments and
perquisites.

§ 4. All the fees, emoluments and perquisites which such county treasurer shall charge or receive or which he shall lawfully be authorized, required or entitled to charge or receive shall belong to the county of Oneida. It shall be his duty to exact, collect and receive the full amount allowed by law for all such fees, emoluments and perquisites for said county and such treasurer shall require payment in advance for all services rendered by him or by his deputy or other employee of said office in his or their official capacity by virtue of any law of this state or by any order of court or by order of the board of supervisors of said county for any duty which may hereafter by law devolve upon him which is not a county charge.

Account of
official
services.

§ 5. In the proper book or books to be prepared at the expense of the said county of Oneida such treasurer shall keep an exact and true account of all official services performed by him or his deputy or any other person employed in an official capacity by said treasurer of all moneys, fees, perquisites and emoluments received or charged by him or them pursuant to law. Such book or books shall be deemed a part of the records of such office and shall at all times during office hours be open to inspection without charge therefor to all persons desiring to examine the same.

Statement
and quart-
erly reports.

§ 6. Such treasurer shall make a true statement for each quarter of all moneys received each day by him or by his deputy or other employees for fees, perquisites and emoluments for all services rendered by him or them in his or their official capacity, and shall transmit and deliver such statement to the county clerk of said county within ten days from the expiration of such quarter. Such statement shall be properly itemized which items shall name the person paying, the total amount of proceeds for which the services are rendered or other available data. Such

statement shall show the total receipts for such quarter and shall have attached thereto the affidavit of said treasurer in effect that the same is in all respects a full and true statement of all moneys by him and those under him to his knowledge received and chargeable to said office as herein required. A summary of such quarterly reports shall also be prepared by the treasurer and presented to the board of supervisors at its annual meeting.

§ 7. At the time of the receipt by said treasurer of any of the fees, emoluments and perquisites aforesaid he shall credit the same to the general fund of said county of Oneida. Credit of fees, etc.

§ 8. Every treasurer hereafter elected or appointed in said county shall before entering upon the duties of said office execute and deliver an undertaking in the form and manner provided by the county law. Said treasurer may require an undertaking of each person appointed or employed by him in any official capacity for the faithful performance of the duties of such person and for the accounting for any moneys which may come into his hands by virtue of such office or employment, and the county of Oneida shall in no particular be held responsible for any official act of said treasurer or any of his appointees. Official undertaking.

§ 9. Any officer referred to in this act or any appointee of such treasurer who shall receive for his own use, or neglect to account for all moneys, fees, perquisites or emoluments by this act authorized to be received or intended to belong to and be for the benefit of Oneida county, or any treasurer who neglects to render to the county clerk of said county an account of all fees, perquisites or emoluments received, or to credit the same as herein required, shall be deemed guilty of a misdemeanor and upon conviction thereof shall forfeit his office and shall be punished by fine and imprisonment or both in the discretion of the court before whom such officer may be convicted, and shall be liable to such county in a civil action for all moneys so received and not accounted for. Certain not a misdemeanor.

§ 10. The said treasurer and his deputy shall be entitled to use and occupy any rooms in any of the county buildings of said county which may be set apart for that purpose by the board of supervisors of said county without charge or expense. Rooms in county buildings.

§ 11. All acts or parts of acts inconsistent with this act in so far as the same relates to Oneida county are hereby repealed. Repeal.

§ 12. This act shall take effect immediately.

Chap. 99.

AN ACT to authorize the sale, or mortgage of lands devised by the last will and testament of Elizabeth Prothais, deceased, for the natural life of her daughter Elizabeth Rosine Siegfried, and, after her death, to certain descendants of her said daughter.

Became a law, March 12, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Court may authorize sale or mortgage of premises.

Section 1. On the application by petition by Elizabeth Rosine Siegfried, and her children and grand-children in being, in person, if of age, and by a next friend, if infants, the supreme court of the state of New York, at a special term thereof to be held at Buffalo, New York, in and for the county of Erie, may authorize the sale, in fee simple absolute, or the mortgage, of the lands, premises and real estate situate, lying and being in the said city of Buffalo, county of Erie and state of New York, which, in and by the last will and testament of Elizabeth Prothais, deceased, bearing date the sixth day of February, eighteen hundred and seventy-three, and admitted to probate by the surrogate of the county of Erie, on the twenty-third day of November, eighteen hundred and seventy-four, and recorded in his office, in liber fifteen of wills, at page three hundred and twenty-eight, were devised to the executors and trustees named in such will, and the codicil thereto, in trust during the natural life of her daughter Elizabeth Rosine Siegfried; and, upon her death, to the grand-children of the said Elizabeth Prothais, the children of her said daughter Elizabeth Rosine Siegfried, who were then living, or who might be living at the time of the death of the said Elizabeth Rosine Siegfried; or, if any of the said grand-children should die, before the death of the said Elizabeth Rosine Siegfried, leaving children, then the share of such grand-children being devised to such children; or any part or parts, parcel or parcels, portion or portions of said lands, premises and real estate, at one time, or from time to time, as may be judged to be expedient and calculated to promote the interests of those who, under the provisions of said last will and testament, would be entitled to said lands, premises and real estate, upon the death of said Elizabeth

Rosine Siegfried, whether in being or not, or whether having a present or contingent interest in said lands, premises and real estate. Ten days' notice of such application shall be given to all persons having an interest in said lands at the time of such application. On such application, the court shall appoint one or more suitable persons as a special guardian, or guardians, of such of said applicants, or the parties to the proceedings, as may be an infant or infants, in relation to the proceedings on such application.

Notice of application.

Appointment of guardians.

§ 2. If the court shall order a sale of the said lands, premises and real estate, or any part, parcel, or portion thereof, it shall appoint some fit and suitable person as a referee, by whom, and under whose direction, such sale shall be made. A sale may be either public or private, as the court may deem expedient. If a public sale be ordered, the same shall be made under the direction of such referee, and at such time and place, or times and places, and on such notice, or notices, as the court shall require. Such referee shall make a report to the court of his proceedings in respect to such sale, so made; and, if the court, approve of the sale, so made, it shall confirm the same, and authorize and direct the said referee to execute a conveyance, or conveyances, accordingly of the premises so sold. If the court shall order said lands, premises and real estate, or any part or parts, portion or portions, thereof, to be sold at private sale, said referee shall, in connection with such of the applicants as shall then be of full age, and the special guardian, or guardians, of such as may be under age, submit to the court, in writing, the price for which, and the terms upon which, it may be proposed to make such sale; and the court, if it approve thereof, shall order such sale to be made accordingly, and authorize and direct the said referee to make the same, and to execute a conveyance, or conveyances, to the purchaser.

Appointment of referee.

Public sale of premises.

Private sale of same.

§ 3. All such conveyances, made as aforesaid, and in pursuance of such authority and direction, shall be valid and effectual to vest in the purchaser, or purchasers, his, her or their, heirs and assigns, a fee simple absolute, as against all persons who may, at the time of the sale, be under the age of twenty-one years, and who shall have any claim to, or any right, title or interest

Conveyances valid.

its completion, be forthwith, by the chairman, delivered to the clerk of the city, who shall return the same to the common council at their next meeting thereafter, and the result of said election as shown by said certificate shall be entered in the minutes thereof. If said certificate shows that the greater number of votes cast had the word "For" in the margin the authority to the city to issue and sell said bonds shall, therefore, be effective. Such bonds shall be signed by the mayor and clerk, and sealed with the seal of the city. They shall be of a denomination or denominations, and shall mature at such times as the said common council shall determine, and shall bear interest at a rate not exceeding four per centum per annum, payable semi-annually. They shall be sold at not less than par value.

Issue and
sale of
bonds.

Record of
bonds.

Application
of proceeds.

Part of
pavement
and side-
walk fund.

Tax for
principal
and
interest.

§ 2. The chamberlain of said city shall make and keep in the office a record of said bonds by number, date, amount, date or dates of maturity, the name of payee or names of payees, if registered. The moneys therefrom shall be paid to him, and by him placed to the credit of the pavement and sidewalk fund, as created by the charter of said city, and shall be used and expended by and under the direction of the board of public works of said city, in paving or repaving such street, or streets, or repairing the pavements on the streets, or such portions thereof of the city, or for building or repairing sidewalks of said city in such manner and with such material as said board may determine. Such moneys shall in all respects be deemed to be and be treated as a part of the pavement and sidewalk fund, created by the charter of said city, and all regulations and provisions of the charter of said city, being chapter six hundred and fifteen of the laws of eighteen hundred and ninety-four, entitled, "An act to revise the charter of the city of Elmira," as amended, relative to the use, disposition, control, management, the liability of property owners, and the city for and the payment, assessment, collection and expenditures of the moneys of said pavement and sidewalk fund, shall apply to the avails of said bonds, as forming a part of said fund.

§ 3. The city of Elmira is hereby authorized to raise by tax, in addition to all other sums now authorized by law, whatever sums may be necessary to pay the interest on such bonds, and the principal at the times of maturity.

§ 4. This act shall take effect immediately.

Chap. 94.

AN ACT to amend chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled "An act in relation to taxation, constituting chapter twenty-four of the general laws."

Became a law, March 8, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and seventy of chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled "An act in relation to taxation, constituting chapter twenty-four of the general laws," is hereby amended to read as follows:

§ 170. State board of tax commissioners.—The tax commissioners now in office shall continue in office for the terms for which they were appointed, and they and their successors shall constitute the state board of tax commissioners. On the expiration of their terms the governor shall appoint three commissioners by and with the advice and consent of the senate, to hold office for three years, and so classified that the term of office of one of them shall expire with the thirty-first day of December in each year, and in case of a vacancy the appointment shall be for the unexpired term. Each commissioner shall receive an annual compensation of five thousand dollars, payable monthly, and in addition thereto the expenses actually incurred by him, in the discharge of his official duties, including expenses while attending meetings of the commission.

§ 2. Subdivision six of section one hundred and seventy-one of the tax law as amended by chapter seven hundred and twelve of the laws of eighteen hundred and ninety-nine is hereby amended so as to read as follows: Employ a secretary, prescribe his duties and fix his salary at a sum not to exceed thirty-five hundred dollars per annum; employ not to exceed six special agents who shall be deemed the confidential agents of the board; and experts and other needed assistants and prescribe their duties. It shall fix the compensation of such employees, which shall not exceed in the aggregate the amount annually appropriated by the legislature for that purpose.

§ 3. This act shall take effect immediately.

Chap. 95.

AN ACT to enable the Union Religious Society of Colored People of Geneva to convey its real property to the trustees of the Presbyterian Church of Geneva.

Became a law, March 8, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The Union Religious Society of Colored People of Geneva, a religious corporation incorporated under the laws of this state, is hereby authorized and empowered to transfer and convey its real property situated in the city of Geneva to the trustees of the Presbyterian church of Geneva, a religious corporation having its place of worship in said city, and commonly known as the First Presbyterian church of Geneva.

§ 2. This act shall take effect immediately.

Chap. 96.

AN ACT making an appropriation for salaries of the tax commissioners, the expenses of the state board of tax commissioners, including the expenses of their office, and the salaries of their employes.

Became a law, March 8, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation for salaries and expense.

Commissioners' salaries.

Section 1. The sum of forty-nine thousand three hundred and fifty-nine dollars is hereby appropriated in addition to all sums heretofore appropriated for the salaries of the tax commissioners, the expenses of the state board of tax commissioners, including their office expenses and the salaries of their employes, out of which sum there shall be paid to the said tax commissioners for salaries not heretofore provided for, the sum of five thousand dollars, or so much thereof as may be necessary, which is hereby appropriated for the payment of said commissioners' salaries at the rate of five thousand dollars per annum from February first

to October first, nineteen hundred. For the salary of the secretary of the said board of tax commissioners, the sum of one thousand dollars, or so much thereof as may be necessary, and any appropriation heretofore made for the salary of the clerk of the said state board of tax commissioners is hereby reappropriated and made available for the salary of the secretary of the state board of tax commissioners. For salary of a confidential appraiser at a compensation not exceeding three hundred dollars per month, two thousand four hundred dollars; for salary of an expert stenographer at a compensation not exceeding twelve hundred dollars per annum, seven hundred dollars, or so much thereof as may be necessary; for the salary of a book keeper and expert accountant, at a compensation not exceeding two thousand dollars per year, eleven hundred and sixty-six dollars and sixty-two cents, or so much thereof as may be necessary; for the salary of a chief clerk at a compensation not exceeding fifteen hundred dollars per annum, eight hundred and seventy-five dollars, or so much thereof as may be necessary; for other necessary clerical help, the sum of fourteen hundred and sixty-six dollars and sixty-six cents, or so much thereof as may be necessary; for other necessary stenographic work, the sum of five hundred and thirty-three dollars and thirty-three cents in addition to the sum heretofore appropriated for stenographic work; for not to exceed six special agents at a compensation not exceeding one hundred and fifty dollars per month each, sixty-three hundred dollars, or so much thereof as may be necessary; for the expenses and disbursements necessarily incurred by them in the discharge of their duties, to be paid upon the audit of the comptroller, fifty-two hundred and fifty dollars, or so much thereof as may be necessary; for the payment of the expenses actually incurred by the commissioners in the discharge of their official duties, including expenses while attending meetings of the commission, the sum of five thousand dollars, or so much thereof as may be necessary; to supply the deficiency in printing, postage, express, stationery, telephone and telegraph tolls and other miscellaneous office expenses, the sum of thirty-six hundred and sixty-seven dollars, or so much thereof as may be necessary; for services and expenses of experts for appraisal and valuation, the sum of ten thousand dollars, or so much thereof as may be necessary, to be paid upon the certificate of the

Secretary.

Confidential appraiser, stenographer, etc.

Chief clerk and clerical help.

Special agents.

Expenses.

Additional
salary of
commis-
sioners.

board of tax commissioners and the audit of the comptroller. For each of said tax commissioners for services to be rendered between the passage of this act and October first, nineteen hundred, under the provisions of chapter seven hundred and twelve of the laws of eighteen hundred and ninety-nine the additional salary of two thousand dollars.

§ 2. This act shall take effect immediately.

Chap. 97.

AN ACT to reappropriate certain unexpended balances of former appropriations, in the state treasury and for the disbursement thereof in accordance with the terms of a judgment of the supreme court.

Became a law, March 8, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Reapprop-
riation of
balances.

Section 1. The unexpended balances of an appropriation made by the provisions of chapter one hundred and thirteen of the laws of eighteen hundred and eighty-seven, for work performed and material furnished on Lock number seven of the Oswego canal, being the sum of eighteen thousand eight hundred and thirty-nine dollars and seventy-four cents, and of an appropriation made by the provisions of chapter four hundred and sixty-three of the laws of eighteen hundred and eighty-seven, for work done and materials furnished upon lock number seventy-two of the Erie canal, being the sum of seven thousand, two hundred and forty-two dollars, which are now in the treasury of the state of New York, or so much of the amounts aforesaid as shall be necessary, are hereby reappropriated for the same objects and purposes as in the original appropriations, and the moneys so remaining in the treasury, with interest accruing thereon since the fourteenth day of November, eighteen hundred and eighty-eight, to the extent that the same shall be required for said purposes, are hereby directed to be paid to the Third National Bank of Syracuse, and to the personal representatives or assigns of William C. Rodger or to their respective attorneys of record and in accordance with the terms of a judgment entered in the office

Payment in
accordance
with terms
of judg-
ment.

of the clerk of Albany county, on the tenth day of July, eighteen hundred and ninety-five, in an action brought in the supreme court, wherein the people of the state of New York were the plaintiffs, and Stephen L. Rockwell, John J. McLean, Third National Bank of Syracuse, William C. Rodger, and others, were defendants, which said judgment was affirmed by the court of appeals on the sixth day of June eighteen hundred and ninety-nine.

§ 2. This act shall take effect immediately.

Chap. 98.

AN ACT making the office of treasurer of Oneida county a salaried office and regulating the management thereof.

Became a law, March 8, 1900, with the approval of the Governor. Passed three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The county treasurer of the county of Oneida next elected or thereafter to be elected or appointed shall receive annually as compensation for his services and for the services of his deputy and all persons who it may be necessary for him to employ to properly perform the duties of such office, and all work, labor and duties appertaining thereto, the sum of four thousand five hundred dollars, payable quarterly by said county treasurer. Such compensation shall not be increased or diminished during the term of office of any incumbent of said office hereinafter chosen or appointed.

Annual compensation for services.

§ 2. The said county treasurer of Oneida county is hereby authorized to appoint a person to be and to act as deputy treasurer of said county to act during the pleasure of said county treasurer, and to have and possess in the absence of said treasurer all the power possessed by him, except that of signing bonds or certificates of indebtedness. The said treasurer shall be responsible for the acts of said deputy. Such appointments shall be in writing and filed in the office of the clerk of Oneida county. Any default or misfeasance in office of such deputy treasurer or of any employee of said treasurer shall be deemed to be a breach of the condition of the bond or undertaking given or to be given by such treasurer according to law.

Deputy treasurer.

Duty of
treasurer.

§ 3. It shall be the duty of said treasurer to perform all the services which he shall be required or authorized by law to perform by virtue of or by reason of his holding such office, for the state, for the county, for towns, corporations and for individuals, and no compensation, payment or allowance shall be made to him or said deputy treasurer or to any person whom he has entrusted with the performance of any duty connected with said office or appointed to any position of trust or profit thereunder or to any other persons for his or their own use for any such services except the compensation named in this act.

Fees, emolu-
ments and
perquisites.

§ 4. All the fees, emoluments and perquisites which such county treasurer shall charge or receive or which he shall lawfully be authorized, required or entitled to charge or receive shall belong to the county of Oneida. It shall be his duty to exact, collect and receive the full amount allowed by law for all such fees, emoluments and perquisites for said county and such treasurer shall require payment in advance for all services rendered by him or by his deputy or other employee of said office in his or their official capacity by virtue of any law of this state or by any order of court or by order of the board of supervisors of said county for any duty which may hereafter by law devolve upon him which is not a county charge.

Account of
official
services.

§ 5. In the proper book or books to be prepared at the expense of the said county of Oneida such treasurer shall keep an exact and true account of all official services performed by him or his deputy or any other person employed in an official capacity by said treasurer of all moneys, fees, perquisites and emoluments received or charged by him or them pursuant to law. Such book or books shall be deemed a part of the records of such office and shall at all times during office hours be open to inspection without charge therefor to all persons desiring to examine the same.

Statement
and quarterly
reports.

§ 6. Such treasurer shall make a true statement for each quarter of all moneys received each day by him or by his deputy or other employees for fees, perquisites and emoluments for all services rendered by him or them in his or their official capacity, and shall transmit and deliver such statement to the county clerk of said county within ten days from the expiration of such quarter. Such statement shall be properly itemized which items shall name the person paying, the total amount of proceeds for which the services are rendered or other available data. Such

statement shall show the total receipts for such quarter and shall have attached thereto the affidavit of said treasurer in effect that the same is in all respects a full and true statement of all moneys by him and those under him to his knowledge received and chargeable to said office as herein required. A summary of such quarterly reports shall also be prepared by the treasurer and presented to the board of supervisors at its annual meeting.

§ 7. At the time of the receipt by said treasurer of any of the fees, emoluments and perquisites aforesaid he shall credit the same to the general fund of said county of Oneida. Credit of fees, etc.

§ 8. Every treasurer hereafter elected or appointed in said county shall before entering upon the duties of said office execute and deliver an undertaking in the form and manner provided by the county law. Said treasurer may require an undertaking of each person appointed or employed by him in any official capacity for the faithful performance of the duties of such person and for the accounting for any moneys which may come into his hands by virtue of such office or employment, and the county of Oneida shall in no particular be held responsible for any official act of said treasurer or any of his appointees. Official undertakings.

§ 9. Any officer referred to in this act or any appointee of such treasurer who shall receive for his own use, or neglect to account for all moneys, fees, perquisites or emoluments by this act authorized to be received or intended to belong to and be for the benefit of Oneida county, or any treasurer who neglects to render to the county clerk of said county an account of all fees, perquisites or emoluments received, or to credit the same as herein required, shall be deemed guilty of a misdemeanor and upon conviction thereof shall forfeit his office and shall be punished by fine and imprisonment or both in the discretion of the court before whom such officer may be convicted, and shall be liable to such county in a civil action for all moneys so received and not accounted for. Certain act a misdemeanor.

§ 10. The said treasurer and his deputy shall be entitled to use and occupy any rooms in any of the county buildings of said county which may be set apart for that purpose by the board of supervisors of said county without charge or expense. Rooms in county buildings.

§ 11. All acts or parts of acts inconsistent with this act in so far as the same relates to Oneida county are hereby repealed. Repeal.

§ 12. This act shall take effect immediately.

Chap. 99.

AN ACT to authorize the sale, or mortgage of lands devised by the last will and testament of Elizabeth Prothais, deceased, for the natural life of her daughter Elizabeth Rosine Siegfried, and, after her death, to certain descendants of her said daughter.

Became a law, March 12, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Court may authorize sale or mortgage of premises.

Section 1. On the application by petition by Elizabeth Rosine Siegfried, and her children and grand-children in being, in person, if of age, and by a next friend, if infants, the supreme court of the state of New York, at a special term thereof to be held at Buffalo, New York, in and for the county of Erie, may authorize the sale, in fee simple absolute, or the mortgage, of the lands, premises and real estate situate, lying and being in the said city of Buffalo, county of Erie and state of New York, which, in and by the last will and testament of Elizabeth Prothais, deceased, bearing date the sixth day of February, eighteen hundred and seventy-three, and admitted to probate by the surrogate of the county of Erie, on the twenty-third day of November, eighteen hundred and seventy-four, and recorded in his office, in liber fifteen of wills, at page three hundred and twenty-eight, were devised to the executors and trustees named in such will, and the codicil thereto, in trust during the natural life of her daughter Elizabeth Rosine Siegfried; and, upon her death, to the grand-children of the said Elizabeth Prothais, the children of her said daughter Elizabeth Rosine Siegfried, who were then living, or who might be living at the time of the death of the said Elizabeth Rosine Siegfried; or, if any of the said grand-children should die, before the death of the said Elizabeth Rosine Siegfried, leaving children, then the share of such grand-children being devised to such children; or any part or parts, parcel or parcels, portion or portions of said lands, premises and real estate, at one time, or from time to time, as may be judged to be expedient and calculated to promote the interests of those who, under the provisions of said last will and testament, would be entitled to said lands, premises and real estate, upon the death of said Elizabeth

Rosine Siegfried, whether in being or not, or whether having a present or contingent interest in said lands, premises and real estate. Ten days' notice of such application shall be given to all persons having an interest in said lands at the time of such application. On such application, the court shall appoint one or more suitable persons as a special guardian, or guardians, of such said applicants, or the parties to the proceedings, as may be an infant or infants, in relation to the proceedings on such application.

Notice of application.

Appointment of guardians.

§ 2. If the court shall order a sale of the said lands, premises and real estate, or any part, parcel, or portion thereof, it shall appoint some fit and suitable person as a referee, by whom, and under whose direction, such sale shall be made. A sale may be either public or private, as the court may deem expedient. If a public sale be ordered, the same shall be made under the direction of such referee, and at such time and place, or times and places, and on such notice, or notices, as the court shall require. Such referee shall make a report to the court of his proceedings in respect to such sale, so made; and, if the court, approve of the sale, so made, it shall confirm the same, and authorize and direct the said referee to execute a conveyance, or conveyances, accordingly of the premises so sold. If the court shall order said lands, premises and real estate, or any part or parts, portion or portions, thereof, to be sold at private sale, said referee shall, in connection with such of the applicants as shall then be of full age, and the special guardian, or guardians, of such as may be under age, submit to the court, in writing, the price for which, and the terms upon which, it may be proposed to make such sale; and the court, if it approve thereof, shall order such sale to be made accordingly, and authorize and direct the said referee to make the same, and to execute a conveyance, or conveyances, to the purchaser.

Appointment of referee.

Public sale of premises.

Private sale of same.

§ 3. All such conveyances, made as aforesaid, and in pursuance of such authority and direction, shall be valid and effectual to vest in the purchaser, or purchasers, his, her or their, heirs and assigns, a fee simple absolute, as against all persons who may, at the time of the sale, be under the age of twenty-one years, and who shall have any claim to, or any right, title or interest

Conveyances valid.

in said lands, premises and real estate, under the said last will and testament; and as against all persons not in being, who may hereafter be born, and who may, or might, become interested, under such last will and testament, in said premises and real estate.

Proceeds of
sale, how
applied.

§ 4. Such referee shall receive the proceeds of the sale, and shall pay thereout such sum as the court may allow for the costs and expenses of such sale, and the proceedings had in pursuance of this act, and also such proper expenses as may be incurred by him in the discharge of his duties as such referee, or for the benefit of the said property, or those interested therein; and shall also pay thereout, under the direction of the court, all taxes, assessments, liens, charges, and encumbrances which shall, at the time of such sale, be due on said property, or any part or parcel or portion thereof, or for, with, or by which the said property, or said lands, premises or real estate, or any part, parcel or portion thereof is or shall have become liable, chargeable or encumbered, at the time of the sale; and shall make such other payments out of the said proceeds as may be directed by the court for the benefit of said property or those interested therein; and the residue of the proceeds of such sale shall be paid over by said referee to the treasurer of the county of Erie, or to such trustee or trustees as the court may direct, and be invested by and in the name of the person, or persons, or corporation, to whom it shall be paid over, on bonds and mortgages, which mortgages shall be upon real estate in this state, for the benefit of such persons as are, or may become interested in said lands, premises or real estate, under the provisions of said last will and testament; and the same, as well as the interest and income thereof, shall abide the order of said court. And said life tenants may consent to, and may receive a sum in gross in lieu of their several life interests therein, in accordance with section fifteen hundred and sixty-nine of the code of civil procedure; and that they may be reimbursed, out of the proceeds of such sale, for their several proportions of any assessments for permanent improvements imposed upon such premises, or any part thereof, which may have heretofore been paid by them.

Investment
of residu.

Payment in
lieu of life
interests.

Reimburse-
ment for
assessments
and im-
provements.

§ 5. In case it shall be adjudged by the court that it shall be for the interests of the parties interested in said lands, premises and real estate, or any part or parts thereof, that the same should be mortgaged, such mortgage shall be executed under the direction of said court, and in behalf of any person or persons who shall, at the time the mortgage is given, be infants, by the guardian, or guardians appointed by the court for such infant or infants, in relation to such proceedings. Any such mortgage executed and delivered in pursuance of the authority of this act shall be a lien upon and bind the estate and interest, vested or contingent, present or future, of such infant or infants, or any person or persons not in being at the time such mortgage is executed, who may hereafter have or acquire an interest in said property, under the last will and testament of said Elizabeth Prothais, and have the same force and effect as though the persons in whose behalf such mortgage is executed were adults and in being, and legally competent and able to execute the same.

Mortgage of premises.

§ 6. The proceeds of any of such mortgages shall be paid to such person or persons as shall be designated by the court, and used in the improvement of such premises and real estate, and in payment of such taxes, assessments, liens and charges and encumbrances as shall, at the time of the execution of the mortgage, be a lien on such property, or any part, parcel or portion thereof.

Proceeds of mortgages, how applied.

§ 7. The court shall have power to make such allowance as it may in its discretion deem proper, for the costs and expenses of the proceedings had under or by virtue of this act.

Costs and expenses of proceedings.

§ 8. This act shall take effect immediately.

Chap. 100.

AN ACT to authorize the executors and trustees under the last wills and testaments of Bradish Johnson, the elder, of Helena J. Parsons, of Effingham L. Johnson, and of Cuthbert S. Johnson, and the persons or corporations or the chamberlain of the city of New York, who may be appointed as custodians or otherwise to receive and hold, under the provisions of the last will and testament of Margaret L. Whitney, the proceeds of the sale of the real estate of which she died seized, and the guardian of Stephen Whitney, the younger, to severally invest the principal of the estates held by them in either the capital stock or bonds, or in both the capital stock and bonds of the "estate of Bradish Johnson," a corporation.

Became a law, March 12, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Authority
to receive
and hold
proceeds
of sale.

Section 1. The executors and trustees under the last wills and testaments of Bradish Johnson, the elder, of Helena J. Parsons, of Effingham L. Johnson, and of Cuthbert S. Johnson, and the persons or corporations or the chamberlain of the city of New York, who may be appointed as custodians or otherwise, to receive and hold, under the provisions of the last will and testament of Margaret L. Whitney, the proceeds of the sale of the real estate of which she died seized, and the guardian of Stephen Whitney, the younger, and their several and respective successors, are hereby authorized to invest the principal of the estates held by them, being the proceeds of the sale of either real estate or personal property, in either the capital stock or bonds, or in both the capital stock and bonds of the estate of Bradish Johnson, a corporation, incorporated and existing under the laws of the state of New York, provided the said corporation shall not be allowed to invest in any stocks, bonds or other securities, other than real estate, which are not, under the laws of this state, a proper subject for the investment of trust funds.

Investment
of principal
of estates.

Proviso.

§ 2. Nothing herein contained shall be construed to relieve said executors and trustees from any liability under existing law.

Chap. 101.

AN ACT to amend the agricultural law, relating to the sale of adulterated milk or cream.

Became a law, March 12, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-two of chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three, entitled "An act in relation to agriculture, constituting articles one, two, three, four and five of chapter thirty-three of the general laws," is hereby amended to read as follows:

§ 22. Prohibition of the sale of adulterated milk.—No person shall sell or exchange, or offer or expose for sale or exchange, any unclean, impure, unhealthy, adulterated or unwholesome milk or any cream from the same, or any unclean, impure, unhealthy, adulterated, colored, or unwholesome cream, or sell or exchange or offer or expose for sale or exchange any article of food made from such milk or cream or manufacture from any such milk or cream any article of food.

§ 2. This act shall take effect immediately.

Chap. 102.

AN ACT to amend chapter eight hundred and fifty-eight, of the laws of eighteen hundred and sixty-seven, entitled "An act to amend the statutes in reference to the collection of taxes in the county of Onondaga," relative to the publication of lists of real estate to be sold for taxes.

Became a law, March 12, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six of chapter eight hundred and fifty-eight, ^{Act amended.} of the laws of eighteen hundred and sixty-seven, entitled "An act to amend the statutes in reference to the collection of taxes in the county of Onondaga" as amended by chapter one hundred and

fifty-four of the laws of eighteen hundred and sixty-nine, and chapter two hundred and sixty-three of the laws of eighteen hundred and ninety-nine, is hereby further amended so as to read as follows:

Publication
of list and
notice of
sale.

§ 6. The county treasurer shall, immediately after the expiration of such six months cause to be published once in each week for six weeks, in the newspapers designated by the board of supervisors for the publication of the session laws, a list or statement of the real estate charged with such taxes, interest, expenses and other charges, and so liable to be sold, and also a notice that such real estate will, on a day subsequent to the expiration of the said six weeks, specified in such notice, and the succeeding days, be sold at public auction at the court house in the city of Syracuse, to discharge the taxes, interest, charges and expenses, that may be due thereon at the time of such sale, the publishing of the said notice not to exceed the sum of one dollar for each notice

Proof of
publication.

so published for each newspaper publishing the same. Proof of the due publication of such list and notice in each newspaper shall, within twenty days after the last publication thereof, be made and filed and recorded in the office of the county clerk of said county who shall cause the same to be properly indexed. No error or imperfection in any list made up or published shall render any sale void or in any manner affect its validity. On the day of

Sale of
lands.

sale specified in the said notice the county treasurer shall commence the sale of such real estate, and he shall continue the sale from day to day until the same shall be disposed of. The county treasurer may, in his discretion, decline to receive any bid on any parcel of land, if in his opinion, it is made by or for any person not acting in good faith, and any such land shall be sold at such sale the same as if such bid had not been made thereon. In case no

Purchases
for county.

purchaser bids the amount due on any lot or parcel, the county treasurer shall bid in such lot or parcel for the county, and it shall be his duty to bid in for the county all lands which have been bid in for the county at any prior tax sale and which have not been duly redeemed or the certificates of sale for which have not been sold or assigned. The treasurer shall make certificates of sale for all lands so bid in by him, describing the lands purchased and specifying the time when a deed therefor can be obtained. Such purchases shall be subject to the same right of redemption as purchases by individuals; and if the land so sold shall not be redeemed

the county treasurer's deed therefor shall have the same effect and become absolute in the same time, and on the performance of like conditions, as in the case of sale and conveyances to individuals. The treasurer may sell and assign any certificate of sale of lands bid in for the county at any time before the expiration of the period of redemption on such terms as to him shall seem for the best interests of the county. If any such tax sale certificate shall not have been sold or assigned prior to the expiration of the period of redemption the treasurer shall issue to the board of supervisors of the county a deed or deeds for all of the lands described therein remaining unredeemed. The title thus acquired by said board shall be held by it in trust for said county of Onondaga and may be disposed of by it at such times, in such manner and on such terms as shall be determined by a majority thereof at any regular or special session thereof. After the said board of supervisors have acquired the title in fee to any lands sold for taxes in said county, such lands shall be exempt while so owned by said county from all taxes; and the county treasurer of said county is hereby directed to prepare and present to the said board of supervisors, on the first day of its annual session in each and every year, a statement designating such lands, and the said board of supervisors are hereby authorized and directed to strike such lands from the tax roll of the city or town in which the same are situated.

Sale or assignment of certificates.

Deed to county.

Exemption from taxation.

§ 2. Section nine of said chapter as amended by chapter two hundred and sixty-three of the laws of eighteen hundred and ninety-nine is hereby further amended so as to read as follows:

§ 9. The county treasurer shall, at least three months before the expiration of the time allowed for the redemption of lands sold by him for taxes, cause a notice to be published once in each week for six weeks successively, the last publication to be at least six weeks before the expiration of the time to redeem, in each of the newspapers designated by the board of supervisors of said county to publish the session laws, containing a list of the lands in such county sold for taxes and unredeemed, specifying particularly every parcel unredeemed, and the amount necessary to redeem the same, calculated to the last day in which such redemption can be made, and stating that, unless such lands are redeemed by a specified day, they will be conveyed to the purchaser. The expense of such publication shall be a county charge. Proof of due publication of such notice shall, within twenty days after the last publica-

Notice of time for redemption, etc.

tion, be made and filed and recorded in the office of the clerk of said county, who shall cause the same to be properly indexed. Until said notice of expiration of time to redeem shall have been published, as herein provided, the time to redeem shall not be deemed to have expired. No error or imperfection in said notice as published, shall in any way affect the sufficiency or validity of such notice or that of any subsequent proceeding or conveyance based thereon. No other, further or different notice of the expiration of the time to redeem shall be required to be published, served upon or given to any person whatever. If such real estate sold for taxes, or any portion thereof, be not redeemed, as herein provided, the county treasurer shall execute to the purchaser, his heirs or assigns, a conveyance of the real estate so sold, and unredeemed, which shall vest in the grantee an absolute estate in fee, free from all liens, claims and encumbrances of every name and nature whatsoever, subject only to such claims as the county may have thereon for taxes. The county treasurer shall be entitled to demand and receive from the purchaser one dollar for preparing every such conveyance. All purchases made for the county shall be included in one conveyance for which the county treasurer shall receive ten dollars.

Conveyance
to pur-
chaser.

§ 3. Section fourteen of said chapter as amended by chapter two hundred and sixty-three of the laws of eighteen hundred and ninety-nine is hereby further amended so as to read as follows:

Articles of
tax law not
applicable.

§ 14. Articles five, six and seven of the tax law shall not apply to the county of Onondaga and all other acts or parts of acts in so far as inconsistent with the provisions of this act or the provisions of said chapter eight hundred and fifty-eight of the laws of eighteen hundred and sixty-seven and the acts amendatory thereof are hereby repealed.

Repeal.

§ 4. This act shall take effect immediately.

Chap. 103.

AN ACT to change the corporate name of and to legalize and confirm conveyances of lands to and from "The Cemetery Association of Collins Centre."

Became a law, March 12, 1900, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The name of the cemetery association formed in the village of Collins Centre in the county of Erie, on the eighteenth day of December, eighteen hundred and fifty-eight, under and in pursuance of an act, entitled "An act authorizing the incorporation of rural cemetery associations," passed April twenty-seventh, eighteen hundred and forty-seven, under the corporate name of "The Cemetery Association of Collins Centre," the certificate of which was duly recorded in Erie county clerk's office on the twenty-eighth day of December, eighteen hundred and fifty-eight, in liber three of miscellaneous records, page ninety-five, is hereby changed to and shall hereafter be known as "The Collins Centre Cemetery Association."

Corporate
name
changed.

§ 2. All conveyances of land to said cemetery association in either of the names mentioned in section one of this act, and all conveyances of lots or plats of land within said cemetery for burial purposes, heretofore made by said association in either of the names mentioned in section one of this act, or in the name of "Collins Cemetery Association" or "The Cemetery Association of Collins," and under a corporate seal bearing any or either of said names, are hereby legalized, ratified and confirmed, and shall have the same force and effect and validity, as if such conveyance had been made to or from said association in its correct and true corporate name and under its correct and true corporate seal.

Convey-
ances
legalized.

§ 3. This act shall take effect immediately.

Chap. 104.

AN ACT to amend chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-four, entitled "An act for the preservation of macadamized public highways in Queens county," relative to public highways in the counties of Queens and Nassau.

Became a law, March 12, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Title of act amended.

Section 1. The title of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-four entitled "An act for the preservation of macadamized public highways in Queens county," is hereby amended so as to read as follows: "An act for the preservation of macadamized and other public highways in the counties of Queens and Nassau."

§ 2. Section two of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-four as amended by chapter five hundred and forty-eight of the laws of eighteen hundred and ninety-nine, is hereby amended so as to read as follows:

Construction of railroads on certain highways prohibited.

§ 2. No railroad shall be constructed on Broadway, Hillside, Highland or Shelton avenues in the said town of Jamaica, nor on Greenwich street in the village of Hempstead, county of Nassau, nor on Bay View avenue, extending from the Little Neck road to the Steamboat road on the west side of Great Neck in the town of North Hempstead nor on Central avenue extending from Far Rockaway to Woodmere, in the town of Hempstead.

§ 3. This act shall take effect immediately.

Chap. 105.

AN ACT to provide for increasing and improving the water supply of the city of Dunkirk.

Accepted by the city.

Became a law, March 12, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Whenever the board of water commissioners of the city of Dunkirk shall deem it necessary to improve and increase the water supply for said city by putting in larger pumps and machinery, new cribs in lake Erie and the necessary suction pipes running thereto, purchasing the necessary lands, building the necessary buildings, laying the necessary switches, from the railroads thereto, and doing all the work required to complete said work in a good and substantial manner, it is hereby authorized and empowered so to do.

Improvement, etc., of water supply.

§ 2. For the purposes of meeting all the expenses and costs attending the procuring of such additional supply of water, as provided in this act, said board of water commissioners are hereby authorized to borrow a sum of money not exceeding one hundred and twenty-five thousand dollars upon such terms of credit, not exceeding twenty years and at a rate of interest not exceeding four per centum per annum, as said board shall deem best for the interests of said city; and to secure the payment of said loan, said board is hereby authorized to make, execute and deliver bonds, which shall be signed by the president and countersigned by the secretary of said board of water commissioners, which bonds shall be made payable within the time and in the manner now authorized by law in such respective amounts, and at such place or places as such board of water commissioners shall deem best, and said bonds when issued and the interest thereon shall be a valid liability against said city, and the credit of said city is pledged for the payment of the same; the said money so borrowed shall be appropriated by said board of water commissioners in supplying said city with water, agreeable to the provisions of this act. But no bonds shall be disposed of by such commissioners at less than the par value thereof.

Board may borrow money.

Issue and sale of bonds.

§ 3. This act shall take effect immediately.

Chap. 106.

AN ACT to amend chapter one hundred and fifty-six of the laws of eighteen hundred and seventy-eight, relative to the salary of the coroners of Monroe county.

Became a law, March 12, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Section one of chapter one hundred and fifty-six of the laws of eighteen hundred and seventy-eight, entitled "An act in relation to coroners' fees and post mortem examinations in Monroe county" is hereby amended to read as follows:

Election and salary of coroners.

§ 1. There shall be elected at the general election held on the first Tuesday after the first Monday in November, in the year nineteen hundred and one, and at the general election in every third year thereafter in the county of Monroe, two coroners whose terms of office shall be for three years commencing on the first day of January after such election, and who shall receive an annual salary of two thousand dollars each to be paid monthly, by the county treasurer, which shall be in full of their services and shall be in lieu of all fees and mileage. The two coroners now in office in said county shall receive an annual salary at the rate of two thousand dollars per year to commence on January one, nineteen hundred, and to be paid monthly by the county treasurer.

§ 2. This act shall take effect immediately.

Chap. 107.

AN ACT to consolidate into one corporation the various bodies that have heretofore owned and managed the existing cemetery in the village of Pike, Wyoming county, New York, and to define its powers, privileges and property.

Became a law, March 12, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Consolidation of bodies.

Section 1. All the various bodies, associations and corporations that have heretofore owned and managed the existing cemetery

in the village of Pike, Wyoming county, New York, by whatever name known, are hereby consolidated into, and their existence is hereby created and continued as, a body corporate under the name of The Pike Cemetery Association of Pike, New York, and all the lots and property belonging to the said pre-existing bodies are hereby vested in the said The Pike Cemetery Association of Pike, New York, subject, however, to all existing lawful rights of lot owners and third parties. All lawful obligations contracted by the said pre-existing bodies are continued and made the obligations of The Pike Cemetery Association of Pike, New York, aforesaid, as hereby constituted, and all the lot owners in said cemetery, as defined in the membership corporation law of this state, are hereby made corporate members of The Pike Cemetery Association of Pike, New York, as hereby constituted. Members of association.

§ 2. Carlos Stebbins, Henry C. Lathrop, Albert O. Skiff, Franklin J. Robinson, Emory N. Emery and Greenleaf S. Van Gorder are hereby constituted directors of said association until their successors are elected or appointed, and it shall be the duty of said directors, immediately upon the passage of this act, to call a meeting of the members of said association, as the same are defined by the membership corporation law, which shall be done by publishing a notice of the time and place of such meeting in the papers published in the village of Pike, at least one week before such meeting shall be held, and at such meeting six directors in place of those named in this act shall be elected, two of whom shall be elected for one year, two for two years, and two for three years, and until their successors are elected or appointed. Said board of directors so elected shall meet as soon after their election as shall be practicable, and shall thereupon organize by electing a president, secretary and treasurer, and shall adopt by-laws for the government of said board and of the corporation. First directors. Meeting of members and election of directors. Organization of board.

§ 3. Said association acting through its board of directors, shall have power to grade and otherwise improve and embellish any portion of its cemetery grounds, in such manner as it shall deem fit, and to plant and cut out trees and other shrubbery, and to do any and all other acts it shall deem proper to beautify, preserve, make attractive and convenient any and all parts of its cemetery. Power of association.

§ 4. Said association shall have the same power to levy and collect taxes upon the owners of lots in its cemetery, as is given to cemetery associations by section fifty-two of the membership Taxation of lot owners.

Forfeiture
for non-
payment
of taxes.

corporation law, and further, in case the tax levied upon any lot or part of lot, shall remain unpaid for ninety days after service of the notice mentioned in said section fifty-two of the membership corporation law, then the board of directors may by a resolution, declare such lot or part of lot, or any portion thereof specified in the resolution, containing not less than forty-eight square feet in compact form, to be forfeited to the association, and thereby the said association shall again become vested with the title to such lot or part of lot, or the portion specified in such resolution, free and clear from any claims to the same on behalf of the owner thereof, or anyone claiming under him, provided that no ground actually occupied by a grave or monument shall thus be forfeited, and provided further that while the said lot or part of lot forfeited as above remains undisposed of by the association, the same may be redeemed by the delinquent lot owner, his heirs or grantees, by payment to the association of the amount of such tax, with interest thereon, at the rate of twenty-four per centum per annum, from the time of the levy of such tax.

Proviso.

General law
applicable.

§ 5. All the provisions of the membership corporation law not superseded by or inconsistent with the provisions of this act, shall be applicable to The Pike Cemetery Association.

§ 6. This act shall take effect immediately.

Chap. 108.

AN ACT to amend chapter four hundred and forty-one of the laws of eighteen hundred and sixty-two, entitled "An act to consolidate certain school districts within or adjoining the corporate limits of Sag Harbor, Suffolk county, and to establish a union school therein," relative to the election of school trustees.

Became a law, March 12, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section three of chapter four hundred and forty-one of the laws of eighteen hundred and sixty-two, entitled "An act to consolidate certain school districts within or adjoining the

corporate limits of the village of Sag Harbor, Suffolk county and to establish a union school therein," as amended by chapter two hundred and ninety-five of the laws of eighteen hundred and sixty-four, is hereby amended to read as follows:

§ 3. At the annual meeting of the district to be held on the first Tuesday in August in each year, there shall be selected by ballot for three years two members of said board who shall be residents and taxable inhabitants of said district. The polls of said election shall not be closed within two hours from the time of opening the same. Election of trustees

§ 2. This act shall take effect immediately.

Chap. 109.

AN ACT to amend the penal code, in relation to racing near a court.

Became a law, March 12, 1900, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and forty-seven of the penal code is hereby amended to read as follows:

§ 147. **Racing near a court.**—A person concerned in any racing, running or other trial of speed between horses or other animals, within one mile of the place where a court is actually sitting, is guilty of a misdemeanor; but nothing in this section shall apply to or affect trials of speed between horses or other animals upon the grounds of a county agricultural society during the days on which the fairs of such society are held.

§ 2. This act shall take effect September first, nineteen hundred.

Chap. 110.

AN ACT to amend chapter eighty-six of the laws of eighteen hundred and ninety-three, in relation to a receiver of taxes of the town of Plattsburgh, and providing for his bond.

Became a law, March 12, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Section three of chapter eighty-six of the laws of eighteen hundred and ninety-three, entitled "An act to provide for the appointment of a receiver of taxes and assessments for the village, town and free union school district number one of the town of Plattsburgh in the county of Clinton," as amended by chapter seven hundred and twenty-two of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

Official oath of receiver of taxes.

§ 3. The said receiver of taxes shall enter upon the discharge of the duties of his office within ten days after his appointment and before so entering upon the discharge of his duties he shall take and subscribe the usual oath of office, which shall be filed in the town clerk's office of said town. And also before entering upon the discharge of his duties and during the month of April, and in each year thereafter while he holds said office he shall execute a bond to the supervisor of the town of Plattsburgh, to the president of the village of Plattsburgh and to the board of education of free union school district number one, with sufficient sureties, who shall be freeholders and residents of said town, or shall furnish a surety bond of some corporation of the state of New York, authorized by their charter to furnish such bond, the expense of which shall be a charge on such town, village and district, in the penal sum of fifty thousand dollars, conditioned for the faithful discharge of his duties as receiver of taxes and assessments for the town of Plattsburgh, the village of Plattsburgh and free union school district number one, of the town of Plattsburgh, which bond shall be delivered to the supervisor of said town. And until approved by him in writing shall not collect any taxes or assessments for said town, village or school district. The bonds herein above mentioned shall be recorded with the clerk of the county of Clinton and shall be a lien upon the real estate in the county of Clin-

Bond to supervisors.

Record.

tion of the said receiver and his respective sureties until cancelled and discharged as provided by law. In case the said receiver shall neglect to execute and deliver the bonds above mentioned, as herein provided, such neglect shall be deemed and taken as a refusal to serve, and the office thereupon shall become vacant.

Failure to
execute
bond.

§ 2. This act shall take effect immediately.

Chap. 111.

AN ACT to consolidate into one corporation the various bodies that have heretofore owned and managed the existing cemetery in the village of Nunda, Livingston county, New York, and to define its powers, privileges and property.

Became a law, March 12, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All the various bodies, associations and corporations that have heretofore owned and managed the existing cemetery in the village of Nunda, Livingston county, New York, by whatever name known, are hereby consolidated into, and their existence is hereby revived and continued as a body corporate under the name of the Oakwood Cemetery Association of Nunda, New York, and all the lots and property belonging to the said pre-existing bodies are hereby vested in the said Oakwood Cemetery Association of Nunda, New York, subject, however, to all existing lawful rights of lot owners and third parties. All lawful obligations contracted by the said pre-existing bodies are continued and made the obligations of the Oakwood Cemetery Association of Nunda, New York, aforesaid, as hereby constituted, and all the lot owners in said cemetery as defined in the membership corporation law of this state, are hereby made corporate members of the Oakwood Cemetery Association of Nunda, New York, as hereby constituted.

Consolidation of
bodies.

Members of
association.

§ 2. William Y. Robinson, Chauncy K. Sanders, Joseph Lovell, Charles E. Pratt, Alfred C. Dodge, Fred. B. Reed, Denton S. Robinson, Samuel P. Whitcomb and William Craig are hereby constituted directors of said association until their successors are elected or appointed, and it shall be the duty of said di-

First
directors.

Meeting of
members
and election
of directors.

rectors, immediately upon the passage of this act to call a meeting of the members of said association, as the same are defined by the membership corporation law, which shall be done by publishing a notice of the time and place of such meeting in the newspaper published in the village of Nunda, at least one week before such meeting shall be held, and at such meeting nine directors in place of those named in this act shall be elected, three of whom shall be elected for one year, three for two years, and three for three years, and until their successors are elected or appointed. Said board of directors so elected shall meet as soon after their election as shall be practicable, and shall thereupon organize by electing a president, secretary and treasurer, and shall adopt by-laws for the government of said board and of the corporation.

Organ-
ization of
board.

Powers of
association.

§ 3. Said association, acting through its board of directors, shall have power to grade and otherwise improve and embellish any portion of its cemetery grounds, in such manner as it shall deem fit, and to plant and cut out trees and other shrubbery, and to do any and all other acts it shall deem proper to beautify, preserve, make attractive and convenient any and all parts of its cemetery.

Taxation of
lot owners.

§ 4. Said association shall have the same power to levy and collect taxes upon the owners of lots in its cemetery as is given to cemetery associations by section fifty-two of the membership corporation law, and further, in case the tax levied upon any lot or part of lot, shall remain unpaid for ninety days after service of the notice mentioned in said section fifty-two of the membership corporation law, then the board of directors may by a resolution, declare such lot or part of lot, or any portion thereof specified in the resolution, containing not less than forty-eight square feet in compact form, to be forfeited to the association, and thereby said association shall again become vested with the title to such lot or part of lot, or the portion specified in such resolution, free and clear from any claims to the same on behalf of the owner thereof, or any one claiming under him, provided no ground actually occupied by a grave or monument shall thus be forfeited, and provided further that while the said lot or part of lot forfeited as above remains undisposed of by the association the same may be redeemed by the delinquent lot owner, his heirs or grantees, by payment to the association of the amount of such

Forfeiture
for non-
payment of
taxes.

Provided,

tax, with interest thereon, at the rate of twenty-four per centum per annum, from the time of the levy of such tax.

§ 5. All the provisions of the membership corporation law General law applicable. not superseded by or inconsistent with the provisions of this act, shall be applicable to the Oakwood Cemetery Association.

§ 6. This act shall take effect immediately.

Chap. 112.

AN ACT to confer jurisdiction on the court of claims to hear, audit and determine the alleged claim of John G. Looschen against the state for services alleged to have been rendered by him as inspector upon the work of erecting the New York state armory, at Schenectady, New York, and to render judgment therefor.

Became a law, March 12, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Jurisdiction is hereby conferred upon the court of claims to hear, audit and determine the alleged claim of John G. Looschen, against the state for services rendered by him, as inspector of the work of the tearing down the New York state armory, at Schenectady, New York, and erecting a new armory building, under the appointment and direction of the state armory commission as created by chapter seven hundred and seventy-one of the laws of eighteen hundred and ninety-seven, and to render judgment therefor, against the state, and in favor of said claimant. Jurisdiction to hear claim.

§ 2. No award shall be made or judgment rendered against the state, unless the facts proved shall make out a case against the state which would create a liability were the same established in evidence in a court of law or equity against an individual or corporation; and in case such liability shall be satisfactorily established, then the court of claims shall award to and render judgment for the claimant for such sum as shall be just and equitable. Provided the claim hereunder is filed with the court of claims within one year after the passage of this act. Award or judgment

§ 3. This act shall take effect immediately.

Chap. 113.

AN ACT to amend the code of civil procedure, in relation to jail liberties in the county of Steuben.

Became a law, March 12, 1900, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and forty-five of the code of civil procedure is hereby amended by adding at the end thereof the following paragraph.

For the county of Steuben, the whole of the village of Bath.

§ 2. This act shall take effect immediately.

Chap. 114.

AN ACT to amend the penal code, relative to sentences of women convicted of felonies.

Became a law, March 12, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six hundred and ninety-eight of the penal code, as amended by chapter three hundred and seventy-four of the laws of eighteen hundred and ninety-six, is hereby amended to read as follows:

§ 698. Imprisonment of female convict.—Any woman over the age of sixteen years, who shall be convicted of a felony in any of the courts of this state, shall, when the sentence imposed is one year or more, be sentenced to imprisonment in the state prison for women at Auburn. When the sentence imposed is less than one year, she may be committed to the county jail of the county where convicted, or to a penitentiary, or to the state prison for women at Auburn. A woman between the ages of fifteen and thirty, convicted of a felony, who has not theretofore been convicted of a crime punishable by imprisonment in a state prison,

may in the discretion of the trial court be sentenced to a house of refuge or reformatory for women, to be there confined under the provisions of law relating to such house of refuge or reformatory.

§ 2. This act shall take effect September first, nineteen hundred.

Chap. 115.

AN AOT to amend the code of civil procedure relating to the substitution of indemnitors in actions against officer.

Became a law, March 12, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fourteen hundred and twenty-one of the code of civil procedure is hereby amended to read as follows:

§ 1421. In action against officer, indemnitors may be substituted as defendants.—Where an action to recover a chattel or chattels, hereafter levied upon by virtue of an execution, or several executions, or a warrant of attachment, or several warrants of attachment, or to recover damages by reason of a levy or levies upon detention, sale or sales of personal property, hereafter made, by virtue of an execution or several executions, or a warrant of attachment, or several warrants of attachment, is brought against an officer, or against a person who acted by his command or in his aid, if a bond or bonds or written undertaking or undertakings indemnifying the officer against the levy or levies, or other act or acts, has been given in behalf of the judgment creditor or the several judgment creditors, or the plaintiff in the warrant or the plaintiffs in the several warrants, either before or after the commencement of the action, the persons or person or the several persons who gave it to them, or the survivors, if one or more are dead, may apply to the court for an order to substitute the applicant or several applicants as defendants in the action, in place of the officer or of the person so acting by his command or in his aid; and the court may upon application of the officer, or in case of his death, upon the application of his legal representatives, grant

an order substituting the indemnitors as defendants in the action, in place of the officer or of the person so acting by his command or in his aid.

§ 2. This act shall take effect on the first day of September, nineteen hundred.

Chap. 116.

AN ACT to amend chapter five hundred and twenty of the laws of eighteen hundred and ninety-three, entitled "An act to make the office of county clerk of Onondaga county a salaried office and provide for the management of said office and to fix the salary of said clerk and deputies," relative to the appointment of index clerks.

Became a law, March 12, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Section eight of chapter five hundred and twenty of the laws of eighteen hundred and ninety-three, entitled "An act to make the office of county clerk of Onondaga county a salaried office, and to provide for the management of said office and to fix the salary of said clerk and deputies," as amended by chapter fourteen of the laws of eighteen hundred and ninety-seven and chapter fourteen of the laws of eighteen hundred and ninety-eight, is hereby further amended so as to read as follows:

Index clerks and abstract clerks.

§ 8. Said board of supervisors may, upon the recommendation of the county clerk, appoint two index clerks and such number of abstract clerks as they deem necessary, and shall fix their salary or compensation, which shall be paid in the same manner as the salaries of other county officers. It shall be the duty of said abstract clerks to make and certify all abstracts of title to and incumbrances upon real property, and to furnish certified copies thereof to any person presenting such original abstracts and ordering the same. The board of supervisors shall fix and determine the fees or compensation to be paid for the making of such abstracts and copies, and the amount of said fees for each abstract or copy so made shall be certified to by the abstract clerk making the same, and shall be paid to the county clerk. The cer-

Fees for abstracts and copies.

tificate to each of said abstracts or copies shall be signed in the name and under the seal of the county of Onondaga by the abstract clerk making the same, and said county shall be responsible for the official acts of said index clerk and abstract clerks. The county clerk shall appoint two deputy clerks. The county clerk shall appoint such number of special deputy clerks as shall be designated by said board of supervisors; also as many assistants as may be necessary for the faithful discharge of the duties of his office, and shall be responsible for their official acts, and the salaries of said clerks and assistant shall be paid in the same manner as the salaries of other county officers. The salary of the deputy clerks shall be fifteen hundred dollars per annum each. The salary of the special deputy clerks shall not exceed twelve hundred dollars per annum each. And the board of supervisors may determine the number of assistants and fix their salary or compensation. In case such compensation shall be fixed by the piece or folio the amount of work so performed shall be certified to by the county clerk for each calendar month. Said index clerk, deputy clerk, and each of said abstract clerks, special deputy clerks and assistants shall, if required by the board of supervisors of said county, before entering upon the duties of his or her office, execute to the people of this state and file with the county treasurer of said county a bond in such penal sum and in such form and with such sureties as shall be fixed and prescribed by said board of supervisors for the faithful discharge of all the duties of his or her said office, and all trusts assumed by or imposed upon him or her respectively; and upon the failure of said index clerk, deputy clerks or any of said abstract clerks, special deputy clerks or assistants to execute and file an official bond as required by the provisions of this section within thirty days after the receipt of notice from said board of supervisors so to do, said office so held by such index clerk, deputy clerk, abstract clerk, special deputy clerk or assistant shall thereupon become vacant. Said board* of supervisors shall, within ten days after the passage of this act, meet for the purpose of making the appointments and fixing the amount of the bonds, if any, required to be given under the provisions of this section, and thereafter the amounts of the bonds so required to be given shall be fixed by said board before the commencement of the term of office of the county clerk recommending and appointing

Certificates
to abstracts
etc.

Deputy
clerks and
assistants.

Official
bonds.

Meeting of
supervisors

*So in the original.

said index clerk, abstract clerks, deputies, special deputies and assistants.

§ 2. This act shall take effect immediately.

Chap. 117.

AN ACT to amend the code of civil procedure, relating to the limitation of actions for malpractice.

Became a law, March 13, 1900, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision one of section three hundred and eighty-four of the code of civil procedure, as amended by chapter three hundred and thirty-five of the laws of eighteen hundred and ninety-six, is hereby amended to read as follows:

1. An action to recover damages for libel, slander, assault, battery, seduction, criminal conversation, false imprisonment, malicious prosecution or malpractice.

§ 2. This act shall take effect September first, nineteen hundred.

Chap. 118.

AN ACT to amend chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three, entitled "An act in relation to agriculture, constituting articles one, two, three, four and five of chapter thirty-three of the general laws" relative to diseases of domestic animals.

Became a law, March 14, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixty of said act is hereby amended so as to read as follows:

§ 60. Suppression of infectious and contagious disease.—Whenever any infectious or contagious disease except tuberculosis and glanders, affecting domestic animals shall be brought into or break out in this state, the commissioner of agriculture shall take measures to promptly suppress the same, and to prevent such disease from spreading.

§ 2. Section sixty-five of said act is hereby amended so as to read as follows:

§ 65. Regulations and the enforcement thereof.—The commissioner may prescribe such regulations as in his judgment may be thought suited for the suppression or prevention of the spread of any such disease, and for the disinfection of all premises, buildings, railway cars, vessels and other objects from or by means of which infection or contagion may take place or be conveyed. He may alter or modify, from time to time, as he may deem expedient, the terms of all notices, orders and regulations issued or made by him, and may at any time cancel or withdraw the same. He may call upon the sheriff or deputy sheriff, to carry out and enforce the provisions of any notice, order or regulation which he may make, and all such sheriffs and deputy sheriffs shall obey and observe all orders and instructions which they may receive from him in the premises. If the commissioner shall quarantine any particular district or territory for the purpose of stopping or preventing the spread of the disease known as rabies and if any dog be found loose within the said quarantine district in violation of said quarantine or regulation, any person may kill or cause to be killed such dog and shall not be held to be liable for damages for such killing.

§ 3. This act shall take effect immediately.

Chap. 119.

AN ACT to amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," and the acts amendatory thereto and supplementary thereto, relating to the annual assessment of property.

Accepted by the city.

Became a law, March 14, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-three of chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, as City charter amended.

amended by chapter seven hundred and seventy-seven of the laws of eighteen hundred and ninety-six, and chapter one hundred and eighty-one of the laws of eighteen hundred and ninety-seven, is hereby amended so as to read as follows:

Annual
assessment.

Meeting
to hear
objections.

Oath of
assessors
attached
to roll.

§ 83. The annual assessment of property in said city shall be made by the assessors thereof by the fifteenth day of January in each year, who shall enter the assessment for each ward in a separate book provided for that purpose. After such assessment shall have been completed the assessors shall meet at their office to hear the allegations and objections of all persons interested in the assessments, of which at least ten days' previous notice shall be given by publication in all the daily papers published in said city. At the time and place designated in said notice, and for ten consecutive days thereafter, exclusive of Sundays, the assessors shall meet and hear such allegations and objections, and the assessment books shall there be open to the examination and inspection of all parties interested, between the hours of nine and twelve in the morning and two and four in the afternoon. The assessors shall amend and correct such assessments as they shall deem proper. When completed, an oath substantially in the following form, shall be written or printed upon or attached to said rolls and each of them, and said oath shall be signed by the assessors or a majority of them, and shall be sworn to before an officer authorized to administer oaths, namely: "We, the undersigned, do severally depose and swear that we have set down in the foregoing assessment-roll all the real estate situated in ward, according to our best information; and that with the exception of those cases in which the value of the said real estate has been changed by reason of proof produced before us, we have estimated the value of the said real estate at the sums which the majority of the assessors have decided to be the full value thereof; and also that the assessment-roll contains a true statement of the aggregate amount of the taxable personal estate of each and every person or corporation named in such roll, over and above the amount of debts due from such persons or corporations respectively, and excluding such stocks as are otherwise taxable, and such other property as is exempt by law from taxation, at the full value thereof, according to our best judgment and belief." After being sworn

to as aforesaid, the assessment books shall be delivered to the clerk of the city on or before the fifteenth day of April in each year, who shall report the same to the common council of said city at its next meeting. The time for such delivery of such books to said clerk, may be extended by resolution of said common council adopted at any time before or after the said fifteenth day of April. The assessors shall make and certify a correct copy of said assessment books as they shall then exist, and including the changes, amendments and corrections to the same that may be made as hereinafter specified, and deliver the same to the supervisors of the several wards respectively, for the use of the board of supervisors of Monroe county on or before the first day of October in each year, to be by them presented to the board of supervisors as the ward-rolls of the city. The time for the delivery of such books, or of either of them, to said supervisors, may be extended by resolution of said board of supervisors adopted at any time before or after the first day of October. The said board of supervisors shall pay to said assessors, for the copy or copies for their use, in the same manner as paid to the supervisors of the several towns for the town rolls. The said assessors are hereby directed and empowered to make such additional amendments and corrections in said assessment-rolls, as to the names of the actual owners or occupants and values of real and personal estate therein assessed as they shall deem proper, at any time before the first day of July in each year.

Delivery of
assessment
books to
clerk.

Copy for
supervisors.

Additional
amend-
ments and
corrections
in roll.

§ 2. This act shall take effect immediately.

Chap. 120.

AN ACT to amend subdivision three of section twenty-five hundred and fourteen of the code of civil procedure, relative to definition of expressions used in this chapter.

Became a law, March 14, 1900, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision three of section twenty-five hundred and fourteen of the code of civil procedure is hereby amended so as to read as follows:

Code
amended.

Words
"debts"
and
"creditor"
defined.

3. The word "debts" includes every claim and demand, upon which a judgment for a sum of money, or directing the payment of money, could be recovered in an action; and the word "creditor" includes every person having such a claim or demand, any person having a claim for expense of administration, or any person having a claim for funeral expenses.

When takes
effect.

§ 2. This act shall take effect on the first day of September nineteen hundred.

Chap. 121.

AN ACT to provide for winding up the estate of Henry Dixon, deceased, including real property escheated to the state.

Became a law, March 14, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Jurisdiction
of court.

Section 1. Jurisdiction is hereby conferred upon the supreme court to sell the lands of Henry Dixon, late of Watertown, New York, deceased, which said lands have escheated to the state upon the petition of the attorney general.

Referee to
sell lands.

§ 2. The supreme court may appoint a referee to sell the lands of the said Henry Dixon, deceased, at public sale on such notice as it shall prescribe. The referee may execute a conveyance or conveyances of such real property to the purchaser or purchasers therefor, subject to the confirmation of the court, in like manner as upon a sale in the foreclosure of a mortgage. The court shall also have jurisdiction to and may confer upon the said referee, subject to the confirmation of the court, the power to pass upon all claims, accounts, costs, charges and expenses which are properly chargeable to the said real property, or the proceeds thereof, including the expenses of resisting the probate of the alleged last will and testament of the said Henry Dixon, deceased, and the expenses of Smith T. Woolworth, executor of the said last will and testament of Henry Dixon, deceased, incurred by him in an attempt to procure the probate of said will, including counsel fees and stenographer's fees, but the total allowance to the said Woolworth for and on account of such expenses, shall not exceed the sum of fourteen hundred dollars.

Settlement
of claims.

§ 3. The said referee shall receive all moneys paid for or on account of the sale of such real property, and report his proceedings to the supreme court. Upon the confirmation of such report, the court may confirm the sale of such real property and provide for distribution of the proceeds thereof as herein directed, and shall direct the payment of such proceeds, except as herein before provided, to the treasurer of the state of New York.

Proceeds of sale of property.

§ 4. This act shall take effect immediately.

Chap. 122.

AN ACT to incorporate the New York and Vermont Synod of the Welsh Calvinistic Methodist Church.

Became a law, March 14, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The Reverend Edward C. Evans, T. Solomon Griffith, John W. Edwards, Owen Hughes, Abram Jones, William A. Rees and Thomas Morris, citizens of the state of New York, and such other persons as are now, or hereafter may be, associated with them, and their successors, are hereby constituted a body corporate and politic, by the name of "The New York and Vermont Synod of the Welsh Calvinistic Methodist Church," and by that name they shall have perpetual succession, and shall be capable of suing and being sued in any court whatever, and of having and using a common seal which they may alter and change at pleasure.

Corporators.

Corporate name and powers.

§ 2. The objects of this corporation are to promote and perpetuate religious work in connection with, under the control, and according to the polity of the Welsh Calvinistic Methodist denomination.

Objects of corporation.

§ 3. It shall be lawful for the regular members of this corporation to elect and appoint such officers, and to make and ordain such by-laws and regulations in relation to the management and disposition of its property, the duties of its officers and members, and the management of its corporate affairs, as they may deem proper, provided such by-laws and regulations are not incon-

Officers and by-laws.

sistent with the constitution and laws of this state, or of the United States.

Real and
personal
estate.

§ 4. The said corporation shall have power to acquire by grant, gift, purchase, devise or bequest, and to hold, lease, sell, transfer, mortgage or convey, any property, real, personal or mixed, for the use and benefit of said corporation, which shall not be applied to any other purpose than those for which the corporation is created, provided the yearly income derived therefrom shall not exceed the sum of fifty thousand dollars.

General
powers
and re-
strictions.

§ 5. The said corporation shall possess the general powers and be subject to the general restrictions and liabilities prescribed in chapter thirty-five of the general corporation law, and the acts supplementary thereto and amendatory thereof.

§ 6. This act shall take effect immediately.

Chap. 123.

AN ACT conferring jurisdiction upon the court of claims to hear, audit and determine the alleged claim of American Bank Note Company against the state of New York for engraved licenses for masters, pilots, engineers, pilots and engineers, furnished to the said state and to render judgment therefor.

Became a law, March 14, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Jurisdiction
to hear
claim.

Section 1. Jurisdiction is hereby conferred upon the court of claims to hear, audit and determine the alleged claim of American Bank Note Company, doing business in New York city, in New York, against the state for engraved licenses for masters, pilots, engineers, pilots and engineers, alleged to have been delivered to said state, and to make an award and render judgment therefor against the state and in favor of said claimant.

Award or
judgment.

§ 2. No award shall be made or judgment rendered herein against the state unless the fact proved will make out a case against the state which would create a liability were the same established in evidence in a court of law or equity against an individual or corporation, and in case such liability shall be

satisfactorily established, then the said court of claims shall award to and render judgment for the claimant for such sum as shall be just and equitable, together with the costs and disbursements paid said state by said American Bank Note Company in a certain proceeding instituted by it against William J. Morgan, as comptroller of said state for a peremptory writ of mandamus, notwithstanding the lapse of time accruing since said claim accrued, provided the claim hereunto is filed with the court of claims within a year after the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 124.

AN ACT making an appropriation for the care, maintenance and repairs of the quarantine establishment at the quarantine station.

Became a law, March 14, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of five thousand dollars, or as much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for the care, maintenance and repairs of the quarantine establishment at the quarantine station. Appropriation.

§ 2. Said sum shall be paid by the treasurer of the state to the board of commissioners of quarantine upon a warrant of the comptroller. How payable.

§ 3. This act shall take effect immediately.

Chap. 125.

AN ACT to amend chapter four hundred and thirty-five of the laws of eighteen hundred and seventy-nine, relative to the disposition of excise moneys in the town of Plattsburgh.

Became a law, March 14, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section three of chapter four hundred and thirty-five of the laws of eighteen hundred and seventy-nine, entitled "An act in relation to the raising of funds for the relief of the poor of the town of Plattsburgh, in the county of Clinton," as amended by chapter four hundred and seventy-one of the laws of eighteen hundred and ninety-four and chapter one hundred and twenty-five of the laws of eighteen hundred and ninety-eight is hereby amended so as to read as follows:

Disposition
of excise
moneys.

§ 3. All of the two-thirds of the revenues resulting from taxes, fines and penalties under the provisions of the liquor tax law belonging to the town of Plattsburgh shall be deposited with the treasurer of the poor fund of said town by the county treasurer of said county within ten days after the receipt by him of the same, to be used and expended under the direction of the board of alms of said town for the support of the poor of said town. Provided, that in case the said moneys so paid to said treasurer annually, shall exceed the amount estimated by the board of alms of said town, as hereinafter provided, which in their opinion will be required for the relief of the poor of said town during the next ensuing year from the first day of May of each year, such excess shall be appropriated and expended for the construction and repair of the highways and bridges of said town, and for other town purposes, as shall be authorized and directed by the town board of said town of Plattsburgh, and shall be paid by said treasurer, as directed by said town board, upon the order of said town board, signed by the supervisor and clerk of the same, and for the purpose of ascertaining the amount of such excess, said board of alms shall on or before the tenth day of May in each year, make and file with the supervisor of said town of Plattsburgh, an estimate of the amount which in their opinion will be required for

the relief of the poor of said town during the ensuing year, from the first day of May of each year.

§ 2. All acts or parts of acts inconsistent with the provisions ~~Repeal~~ of this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 126.

AN ACT to amend section three of chapter seven hundred and seventy-two of the laws of eighteen hundred and ninety-six entitled "An act in relation to the office of the district attorney of the county of Kings providing for the election of district attorney and the appointment of clerks, stenographers and county detectives for said office."

Accepted by the city.

Became a law, March 14, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter seven hundred and seventy-two of the laws of eighteen hundred and ninety-six entitled "An act in relation to the office of the district attorney of the county of Kings providing for the election of district attorney and the appointment of clerks, stenographers and county detectives for said office" is hereby amended so as to read as follows: Act amended.

§ 3. The said district attorney shall also have the power to appoint one chief clerk, whose compensation shall not exceed three thousand five hundred dollars per annum, and five additional clerks, whose compensation shall not exceed two thousand dollars each per annum, one messenger, whose compensation shall not exceed twelve hundred dollars per annum, and one doorkeeper, whose compensation shall not exceed twelve hundred dollars per annum, said compensation of the said several clerks, messengers and doorkeeper to be fixed and determined by the said district attorney and to be paid monthly by the county treasurer of the county of Kings. Appointment of clerks, messengers and doorkeeper.

§ 2. This act shall take effect immediately.

Chap. 127.

AN ACT to authorize the trustees of the town of Rotterdam, Schenectady county, to sell and dispose of the perpetual leases, mortgages, notes and judgments now held and owned by said trustees under the act creating a board of trustees of the town of Rotterdam, in the county of Schenectady, and for the disposal of the funds held by said trustees.

Became a law, March 14, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sale of
leases, etc.,
authorized.

Section 1. The trustees of the town of Rotterdam, Schenectady county, are hereby authorized to sell the perpetual leases, mortgages, notes and judgments belonging to and standing in the name of the trustees of the town of Rotterdam, Schenectady county, if the electors of the said town of Rotterdam at the annual election held the sixth day of November, nineteen hundred, shall by resolution direct such sale.

Notice of
resolution.

§ 2. Notice of the offering of a resolution for the sale of the above perpetual leases, mortgages, notes and judgments shall be posted in at least five public places in said town of Rotterdam, at least twenty days prior to the date of the annual election to be held November sixth, nineteen hundred, at which said resolution is to be presented, one of which notices shall be posted in each election district where the election is to be held.

Form of
resolution
to be
voted on.

§ 3. The resolution to be voted on by the said electors shall be substantially in the following form, to wit:

Resolved, That the trustees of the town of Rotterdam, Schenectady county, are authorized and requested to sell and convey the perpetual leases, mortgages, notes and judgments standing in the name of the said trustees of the town of Rotterdam, Schenectady county.

Yes. ☐

No. ☐

Sale by
trustees.

§ 4. In case a resolution shall be passed by the electors of said town directing the sale of the said perpetual leases, mortgages, notes and judgments, then the trustees of the town of Rotter-

dam, Schenectady county, are hereby authorized and empowered to make such sale at public auction to the highest bidder, within one year after the passage of this act. But prior to such sale they shall publish notice of the time and place of sale in at least one newspaper published in the county of Schenectady, for at least four weeks, once each week consecutively, and post notice of said sale in at least five public places in the town of Rotterdam for a like period of time, one of which notices shall be posted in each of the places where the annual election was held in said town of Rotterdam. Notice of sale.

§ 5. The said trustees of the town of Rotterdam, Schenectady county, upon making the sale of the said perpetual leases, mortgages, notes and judgments are hereby authorized and empowered to convey, transfer and assign the said perpetual leases, mortgages, notes and judgments to the purchaser or purchasers thereof. Conveyance to purchasers.

§ 6. From the moneys arising from the sale of the said perpetual leases, mortgages, notes and judgments, the said the board of trustees of the town of Rotterdam, Schenectady county, shall pay the necessary expenses of making the sale, and the balance of the money remaining shall be paid by the said trustees to the supervisor of said town of Rotterdam, and the said supervisor shall apply the money received in payment of the taxes which shall be assessed in the year when the said sale is made. Proceeds of sale.

§ 7. From and after the first day of January next after the sale and conveyance by the said the trustees of the town of Rotterdam, Schenectady county, the office of trustees of the town of Rotterdam, Schenectady county, is hereby abolished, and that on the said first day of January, the office of clerk and treasurer of the said board of trustees of Rotterdam, Schenectady county, is abolished. Office of trustees abolished.

§ 8. All acts and parts of acts inconsistent with this act are hereby repealed. Repeal.

§ 9. This act shall take effect immediately.

Chap. 128.

AN ACT to amend section twenty-nine of the stock corporation law, by making the books of account of banks presumptive evidence of their contents.

Became a law, March 14, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-nine of chapter five hundred and sixty-four of the laws of eighteen hundred and ninety, entitled "An act in relation to stock corporations, constituting chapter thirty-eight of the general laws," as amended by chapter six hundred and eighty-eight of the laws of eighteen hundred and ninety-two is hereby amended so as to read as follows:

§ 29. **Books to be kept.**—Every stock corporation shall keep at its office, correct books of account of all its business and transactions, and a book to be known as the stock-book, containing the names, alphabetically arranged, of all persons who are stockholders of the corporation, showing their places of residence, the number of shares of stock held by them respectively, the time when they respectively became the owners thereof, and the amount paid thereon. The stock-book of every such corporation shall be open daily, during business hours, for the inspection of its stockholders and judgment creditors, who may make extracts therefrom. No transfer of stock shall be valid as against the corporation, its stockholders and creditors for any purpose, except to render the transferee liable for the debts of the corporation according to the provisions of this chapter, until it shall have been entered in such book as required by this section, by an entry showing from and to whom transferred. The stock-book of every such corporation and the books of account of every bank shall be presumptive evidence of the facts therein so stated, in favor of the plaintiff, in any action or proceeding against such corporation or any of its officers, directors or stockholders. Every corporation that shall neglect or refuse to keep or cause to be kept such books, or to keep any book open for inspection as herein required, shall forfeit to the people the sum of fifty

dollars for every day it shall so neglect or refuse. If any officer or agent of any such corporation shall willfully neglect or refuse to make any proper entry in such book or books, or shall neglect or refuse to exhibit the same, or allow them to be inspected and extracts taken therefrom as provided in this section, the corporation and such officer or agent shall each forfeit and pay to the party injured a penalty of fifty dollars for every such neglect or refusal, and all damages resulting to him therefrom.

§ 2. This act shall take effect immediately.

Chap. 129.

AN ACT to change the name of the New York Ladies' Home Missionary Society of the Methodist Episcopal Church, to the "Five Points Mission, Old Brewery, New York."

Became a law, March 14, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The name of the society incorporated by an act of the legislature of this state passed March twentieth, eighteen hundred and fifty-six, entitled "An act to incorporate the New York Ladies' Home Missionary Society of the Methodist Episcopal church," is hereby changed to the "Five Points Mission, Old Brewery, New York."

§ 2. This act shall take effect immediately.

Chap. 130.

AN ACT to amend the county law, relating to contracts with sheriffs for board and maintenance of prisoners in county jails.

Became a law, March 15, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twelve of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two, entitled

County law amended.

"An act in relation to counties, constituting chapter eighteen of the general laws," is hereby amended by adding at the end thereof a new subdivision to be known as subdivision fifteen, and to read as follows:

Contracts
for board
and main-
tenance of
prisoners.

15. To contract at such times and on such terms as the board may by resolution determine with the sheriff of the county, when he is not by law in receipt of a salary as such sheriff, for the board, maintenance and care and custody of prisoners committed to the county jail of his county, or in the penitentiary of such county, when used as a jail and in charge of the sheriff.

Contracts
legalized.

§ 2. All contracts heretofore executed by a board of supervisors with a sheriff for the board, maintenance, care and custody of prisoners committed to a county jail are hereby legalized, ratified and confirmed. Nothing in this section shall affect any actions or proceedings now pending in relation to such contracts.

§ 3. This act shall take effect immediately.

Chap. 131.

AN ACT to amend chapter six hundred and twenty of the laws of eighteen hundred and ninety-four, entitled "An act to revise, amend and consolidate the several acts relating to the village of Oneida and to repeal certain acts and parts of acts."

Became a law, March 15, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Village
charter
amended.

Section 1. Subdivision two of section three of title three of chapter six hundred and twenty of the laws of eighteen hundred and ninety-four is hereby amended so as to read as follows: "To appoint all officers of the village not elective by this act; to fix and determine the salary or pay of all the employes of the village, not otherwise provided for by this act; and to raise by tax the salary of all officers of said village; but said trustees or any member thereof shall not receive any salary, pay or emolument whatever; to appoint three taxpayers of said village to be hospital commissioners who shall have charge and supervision of any pub-

Appoint-
ments and
salary of
officers.

Hospital
commis-
sioners.

lie hospital maintained or partially maintained at the expense of said village; not more than two of said hospital commissioners shall be adherents of or belong to the same political party; they shall serve during the pleasure of the board of trustees of said village and without any salary, pay or emolument whatever, and shall make an annual report to the board of trustees of said village on the first day of March of each year showing all receipts and disbursements by them during the year and such other matters as the board of trustees may direct.

§ 2. Subdivision forty-two of section three of title three of said chapter six hundred and twenty of the laws of eighteen hundred and ninety-four is hereby amended so as to read as follows:

42. To purchase, hold, sell convey and agree to purchase and convey real estate whenever necessary or expedient for the accomplishment or execution of any of the purposes or powers or duties mentioned in this act, subject to the adoption of a resolution authorizing the same, by a vote of the taxpayers at an annual or special election or meeting in said village; and to receive the conveyance of and hold real estate for the purposes of a free public emergency hospital.

Purchase
and sale of
real estate.

§ 3. Subdivision five of section one of title eight of chapter six hundred and twenty of the laws of eighteen hundred and ninety-four is hereby amended so as to read as follows:

5. A sufficient sum to pay the current expenses of the fire department, not exceeding three thousand dollars.

Tax for fire
department.

§ 4. Section one of title eight of chapter six hundred and twenty of the laws of eighteen hundred and ninety-four is hereby amended by adding thereto a new subdivision to read as follows:

11. A sum sufficient to pay the annual current expenses of maintaining a free public emergency hospital, not exceeding however, the sum of one thousand dollars.

For emergency hos-
pital.

§ 5. This act shall take effect immediately.

Chap. 132.

AN ACT to amend chapter one hundred and forty-five of the laws of eighteen hundred and ninety-seven, entitled "An act to amend chapter eight hundred and ninety-three of the laws of eighteen hundred and ninety-six entitled 'An act to provide for the appointment of clerks to certain justices of the supreme court of the fifth judicial district.'"

Became a law, March 15, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Section one of chapter one hundred and forty-five of the laws of eighteen hundred and ninety-seven, entitled "An act to amend chapter eight hundred and ninety-three of the laws of eighteen hundred and ninety-six, entitled 'An act to provide for the appointment of clerks to certain justices of the supreme court of the fifth judicial district,' " is hereby amended so as to read as follows:

Appointment of clerks to certain justices.

§ 1. Each of the resident trial justices of the supreme court, in the fifth judicial district, except those resident in cities in said district, in which there is now a resident supreme court stenographer, may appoint, and at pleasure remove, a confidential clerk to said justice, by an instrument in writing under his own hand, to be filed in the office of the secretary of state. Each of said clerks shall receive an annual salary of eighteen hundred dollars, to be paid by the comptroller of the state, in equal quarterly payments, upon the certificate of the said justice. Each of the other trial justices of said court, resident and doing work in said district, other than those above provided for, may appoint, and at pleasure remove, a confidential clerk to said justice, by an instrument in writing under his own hand, to be filed in the office of the secretary of state. Each of said clerks shall receive an annual salary of twelve hundred dollars, to be paid by the comptroller of the state, in equal quarterly payments upon the certificate of said justice, and said salary shall be a charge upon the fifth judicial district.

§ 2. This act shall take effect immediately.

Chap. 133.

AN ACT to amend section five of chapter one hundred and sixty-five of the laws of eighteen hundred and ninety-eight, entitled "An act for the registration of all persons duly admitted and licensed to practice as attorneys-at-law or as attorneys and counsellors-at-law in the courts of record of this state," as amended by chapter two hundred and twenty-five of the laws of eighteen hundred and ninety-nine.

Became a law, March 15, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section five of chapter one hundred and sixty-five of the laws of eighteen hundred and ninety-eight, as amended by chapter two hundred and twenty-five of the laws of eighteen hundred and ninety-nine, is hereby amended so as to read as follows:

§ 5. Every person filing with the clerk of the court of appeals the oath or affirmation hereinbefore provided shall pay to the said clerk at the time of such filing the sum of twenty-five cents to defray the necessary disbursements incurred by him in carrying out the provisions of this act. It shall be the duty of the said clerk of the court of appeals, on or before the first day of November, eighteen hundred and ninety-nine, to cause the said "official register of attorneys and counsellors-at-law in the state of New York" to be printed, and to file a certified copy thereof in the office of the county clerk of each county within the state, and with the clerk of each of the appellate divisions, and annually thereafter to print and file as aforesaid all additions to the said official register made during the preceding twelve months, the expense thereof to be paid out of the fees collected by him pursuant to the provisions of this act, after defraying the necessary disbursements incurred by him under section three thereof. It shall be the duty of the said clerk of the court of appeals to issue to each person, heretofore and hereafter filing the oath or affirmation hereinbefore provided, a certificate under his hand and the seal of the court of appeals, to the effect that the person therein mentioned is registered as an attorney-at-law

Act amended.

Filing fee.

Printing and filing copy of register.

Certificate of registration.

or as an attorney and counsellor-at-law in the courts of record of this state under and pursuant to the provisions of this act.

§ 2. This act shall take effect immediately.

Chap. 134.

AN ACT to reappropriate money for the establishment of a fish hatchery in the county of Delaware.

Became a law, March 15, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The unexpended sum of five thousand dollars in the treasury, appropriated by chapter six hundred and forty-eight of the laws of eighteen hundred and ninety-eight, providing for the erection of a fish hatchery in the county of Delaware, is hereby reappropriated for the same purpose, and the comptroller is directed to pay said sum out of any money in the treasury not otherwise appropriated, as provided in said chapter six hundred and forty-eight of the laws of eighteen hundred and ninety-eight.

§ 2. This act shall take effect immediately.

Chap. 135.

AN ACT to amend section six of the code of civil procedure, in relation to a court transacting business on Sunday.

Became a law, March 15, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six of the code of civil procedure is hereby amended so as to read as follows:

§ 6. Courts not to sit on Sunday, except in special cases.—A court shall not be opened, or transact any business on Sunday, except to receive a verdict or discharge a jury. An adjournment of a court on Saturday, unless made after a cause has been committed to a jury, must be to some other day than Sunday. But this section does not prevent the exercise of the jurisdiction of a

magistrate, where it is necessary to preserve the peace, or, in a criminal case, to arrest, commit or discharge a person charged with an offense, or the granting of an injunction order by a justice of the supreme court when in his judgment it is necessary to prevent irremediable injury or the service of a summons with or without a complaint if accompanied by an injunction order and an order of such justice permitting service on that day.

§ 2. This act shall take effect September first, nineteen hundred.

Chap. 136.

AN ACT to amend chapter one hundred and eighty-seven of the laws of eighteen hundred and sixty-two, entitled "An act to incorporate the board of foreign missions of the Presbyterian church in the United States of America," as amended by chapter three hundred and twenty-six of the laws of eighteen hundred and ninety-four.

Became a law, March 15, 1900, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter one hundred and eighty-seven of the laws of eighteen hundred and sixty-two entitled "An act to incorporate the board of foreign missions of the Presbyterian church in the United States of America," as amended by chapter three hundred and twenty-six of the laws of eighteen hundred and ninety-four is further amended so as to read as follows: Chapter amended.

§ 3. The management and disposition of the affairs and property of the said board of foreign missions of the Presbyterian church in the United States of America shall be vested in twenty-one trustees, who shall be appointed from time to time by the general assembly of the Presbyterian church in the United States of America for such terms as the assembly may determine. But the number of such trustees may be increased or decreased at any time by the said general assembly, and in case of an increase the additional trustees shall be appointed by such general assembly of the Presbyterian church in the United Trustees.

States of America; provided, however, that the members of the board, as at present constituted, shall continue to hold office until their successors have been appointed by the general assembly. Not less than eleven members of the board shall constitute a quorum for the purpose of electing officers, making by-laws, or for holding any special meeting; but for all other purposes, and at stated meetings, five shall be a quorum. All the business of the said corporation shall be conducted by the board under and subject to the direction of the said general assembly so far as such direction shall be in accordance with the laws of the state of New York and of the United States of America.

Quorum of
board.

Business to
be conduct-
ed under
direction of
general
assembly.

§ 2. This act shall take effect immediately.

Chap. 137.

AN ACT to amend chapter two hundred and eighty-seven of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the board of home missions of the Presbyterian church in the United States of America, and to enable the Presbyterian board of home missions, formerly the Presbyterian committee of home missions, to transfer its property to said new corporation, and to vest in such new corporation the corporate rights, franchises and privileges of the former body, and also to enable said new corporation to accept a transfer of the property of the trustees of the board of domestic missions of the general assembly of the Presbyterian church in the United States of America, and to become the legal successor of the said last mentioned corporation," as amended by chapter two hundred and twenty-seven of the laws of eighteen hundred and eighty, and chapter three hundred and thirty-five of the laws of eighteen hundred and ninety-two.

Became a law, March 15, 1900, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section three of chapter two hundred and eighty-seven of the laws of eighteen hundred and seventy-two, entitled

"An act to incorporate the board of home missions of the Presbyterian church in the United States of America, and to enable the Presbyterian board of home missions, formerly the Presbyterian committee of home missions, to transfer its property to said new corporation and to vest in such new corporation the corporate rights, franchises and privileges of the former body, and also to enable said new corporation to accept a transfer of the property of the trustees of the board of domestic missions of the general assembly of the Presbyterian church in the United States of America, and to become the legal successor of the said last mentioned corporation," as amended by chapter two hundred and twenty-seven of the laws of eighteen hundred and eighty and by chapter three hundred and thirty-five of the laws of eighteen hundred and ninety-two, is further amended so as to read as follows:

§ 3. The management and disposition of the affairs and property of such corporation shall be vested in fifteen trustees who shall be appointed from time to time by the general assembly of the Presbyterian church in the United States of America for such terms as the assembly may determine. But the number of such trustees may be increased or decreased at any time by the said general assembly and in case of an increase the additional trustees shall be appointed by such general assembly of the Presbyterian church in the United States of America, provided, however, that the members of the board as at present constituted shall continue to hold office until their successors have been appointed by the general assembly. All the business of the said corporation shall be conducted by the board under and subject to the direction of the said general assembly so far as such direction shall be in accordance with the laws of the state of New York and of the United States of America.

Business to
be conduct-
ed under
direction of
general
assembly.

§ 2. This act shall take effect immediately.

Chap. 138.

AN ACT to amend section ninety-seven of the code of civil procedure, relative to court officers.

Became a law, March 15, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ninety-seven of the code of civil procedure is hereby amended so as to read as follows:

§ 97. Sheriffs, when directed to notify constables, et cetera, to attend courts.—The sheriff of each county, except New York and Kings, must, within a reasonable time before the sitting, in his county, of any term of court, notify, in writing and personally, as many constables or deputy sheriffs of his county, as he has been directed to notify, by the court or judge who is to hold or preside at the term, to appear and attend upon the term during its sitting. In addition to such constables, or deputy sheriffs, the justices of the supreme court of the eighth judicial district residing in the county of Erie, or a majority of them, shall, in their discretion, appoint and at their pleasure may remove one or more court officers, whose duty it shall be to attend at the justices' chambers and at special terms of the supreme court held in said county of Erie. Such officers shall possess all the powers of officers designated by sheriffs to attend upon courts, and shall each receive a salary not to exceed one thousand two hundred dollars a year, to be paid in equal monthly payments by the treasurer of the county of Erie. The sheriff of said county of Erie shall not be required to attend or designate any officer to attend at justices' chambers or at special terms of the supreme court held in said county of Erie unless requested so to do by the justice presiding. Each of the justices of the supreme court residing in Kings county may appoint, and at pleasure remove, a clerk to such justice at a salary not exceeding two thousand dollars a year, to be raised and paid in the same manner as the salaries of attendants and officers.

§ 2. This act shall take effect immediately.

Chap. 139.

AN ACT to authorize the commissioners of the battlefields of Gettysburg and Chattanooga to ascertain and determine the positions of the New York troops which took part in the campaign and siege of Vicksburg and making an appropriation therefor.

Became a law, March 15, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The New York commissioners of the battlefields of Gettysburg and Chattanooga, heretofore appointed pursuant to chapter three hundred and seventeen of the laws of eighteen hundred and ninety-five, are empowered and directed to ascertain and determine the positions of the Forty-sixth, Fifty-first and Seventy-ninth regiments of New York Infantry and Battery L of the Second New York Light Artillery in the campaign and siege of Vicksburg and for this purpose they shall select four persons who were respectively members of each of said organizations and who served with such organizations with honor in the campaign and siege of Vicksburg and it shall be the duty of said commission and of the persons selected by them to co-operate with the national park commission in ascertaining and determining the position of each New York organization in the campaign and siege of Vicksburg and to recommend to the governor on or before the fifteenth day of January, nineteen hundred and two, such legislation as will in the opinion of the commission permanently and suitably mark the positions thus ascertained and worthily commemorate the valor and services of the New York soldiers in that siege.

§ 2. Neither the commissioners nor the persons selected by them shall be entitled to any compensation for services but shall receive the actual and necessary expenses incurred by them in carrying out this act to be paid upon the certificate of the commission and on the audit and warrant of the comptroller. The sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated for such expenses.

§ 3. This act shall take effect immediately.

Chap. 140.

AN ACT to amend section seven of chapter two hundred and twenty-eight of the laws of eighteen hundred and ninety-eight, entitled, "An act to incorporate the New York Realty Bond, Exchange and Trust Company."

Became a law, March 15, 1900, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

Section 1. Section seven of chapter two hundred and twenty-eight of the laws of eighteen hundred and ninety-eight, entitled, "An act to incorporate the New York Realty Bond, Exchange and Trust Company," is hereby amended so as to read as follows:

Powers of company.

§ 7. Such company may loan money for itself or as agent or as trustee upon real estate or other security in the state of New York, and may buy, invest in, hold, sell, pledge, and otherwise deal with or act as trustee for stocks, bonds, mortgages and other securities; guarantee payment of obligations sold by it or the payment of dividends upon stocks sold by it; borrow and receive money on deposit, payable on demand or otherwise, and to issue, for money borrowed by it, its notes, bonds, debentures or other obligations, unsecured or secured by mortgage, pledge or hypothecation of any of its assets, or by delivery or transfer thereof to a trustee or trustees.

§ 2. This act shall take effect immediately.

Chap. 141.

AN ACT to reappropriate money for repairs, improvements and betterments of the state arsenals, armories, camp grounds and rifle ranges at Creedmoor and throughout the state, as provided by chapter six hundred and six of the laws of eighteen hundred and ninety-eight.

Became a law, March 15, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The balance remaining in the treasury unexpended of the sum of twenty thousand dollars, appropriated by chapter

six hundred and six of the laws of eighteen hundred and ninety-eight, providing for repairs, improvements and betterments of the state arsenals, armories, camp grounds and rifle ranges at Creedmoor and throughout the state, which said balance is the sum of two thousand six hundred and twenty-three dollars and two cents, is hereby reappropriated for the same purpose; and the comptroller is directed from time to time to pay the same for the aforesaid purpose, out of any money in the treasury not otherwise appropriated, on the written requisition of the armory commission.

§ 2. This act shall take effect immediately.

Chap. 142.

AN ACT to make the office of sheriff of Cattaraugus county a salaried office, and to regulate the management thereof.

Became a law, March 15, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sheriff of the county of Cattaraugus next elected and thereafter to be elected or appointed shall receive annually as compensation for his services and for the services of his under-sheriff, jailors, turnkeys, clerks, deputy sheriffs and all persons whom it may be necessary for him to employ to properly perform the duties of said office, including all help that it may be necessary to employ in and about the jail or elsewhere as cooks, attendants, domestics and for all other purposes, and for all work, labor and duties appertaining thereto, the sum of forty five hundred dollars. Such compensation shall not be increased or diminished during the term of office of any incumbent of such office hereafter chosen or appointed. The above shall not include the compensation of special deputy sheriffs and court officers, but the same shall be appointed and paid as hereinafter stated.

Annual compensation of sheriff.

§ 2. It shall be the duty of said sheriff to perform all the services which he is or shall be required or authorized by law to perform by virtue of or by reason of his holding such office, for the state, for the county and for corporation or individuals, including his duties as officer of the courts, and the care and management

Duties to be performed without compensation.

of the jails, jail property and grounds and persons confined in said jails and for any services performed in the care and management of the court house, in short all the duties pertaining to the office of sheriff in said county, and no payment, compensation or allowance shall be made to him or to any person whom he has entrusted with the performance of any duty connected with said office or appointed to any position of trust or profit thereunder, or to any other person for his or their own use for any such services, except as hereinafter stated. No person, who while holding the office of sheriff, under sheriff, jailor, turnkey, clerk or deputy sheriff, shall hold the office of constable or policeman in the city of Olean or in any of the towns or villages of the county of Cattaraugus, shall be entitled to receive any compensation, payment or allowance from the county of Cattaraugus, for any services performed by him as such constable or policeman, which might lawfully have been done by him as such sheriff, jailor, under sheriff, turnkey, clerk or deputy sheriff; nor shall such sheriff or any of his appointees be entitled to receive and retain any compensation, payment or allowance for any services performed by him as an individual for the state, the county or any corporation or individual, which might legally have been performed by him as such officer.

Fees,
emolu-
ments and
perquisites.

§ 3. All the fees, emoluments and perquisites which such sheriff or those under him shall charge or receive, or which he or they shall legally be authorized, required or entitled by law to charge or receive as such officer or as an individual, which might have been done and performed by him or them lawfully as such officer, shall belong to the county of Cattaraugus. It shall be his and their duty to exact, collect and receive the full amount allowed by law of all such fees, emoluments and perquisites for the county of Cattaraugus, and such sheriff shall require payment in advance for all services rendered by him or by his under sheriff or deputies or other appointees in his or their official capacities, by virtue of any law of this state or by any order of the court or of the board of supervisors of said county, or any duty that may hereafter devolve upon him, that is not a county charge.

Account of
official
services.

§ 4. In a proper book or books, to be provided at the expense of the county, such sheriff shall keep an exact and true account of all official services performed by him or his under sheriff or deputies, or any other person employed in an official capacity by said

sheriff, and also of all services performed by them or any of them as an individual, which might have lawfully been performed by them or any of them as such official, and of all moneys, fees, perquisites and emoluments received or chargeable by him or them pursuant to law or as above. Such book or books shall constitute a part of the records of said office, and shall at all times during office hours be open to the inspection, without fee or charge therefor, of all persons desiring to examine the same, and as soon as said books or any of them shall have been completed, the same shall be filed and remain in the clerk's office of such county.

§ 5. Such sheriff shall make a true and full statement for each quarter of the year of all money received each day by him during such quarter, or by his under sheriff or deputies or other official employees, for fees, perquisites and emoluments, for all services rendered by him and them in his or their official capacity, or by him and them as individuals which might lawfully have been done and performed by him or them in their official capacity, and shall transmit and deliver such statement to the county treasurer of said county within twenty days after the expiration of said quarter; such statements shall be properly itemized, each item showing the name of the person paying, the title of the action or proceeding in which the service is rendered, and the party upon whom served or other available data; such statements shall show the total receipts for said quarter and shall have attached thereto an affidavit of said sheriff to the effect that the same is, in all respects, a full and true statement of all moneys by him and those under him to his knowledge received and chargeable to said office as herein required, or which may appear to have been so received or chargeable by those under him, from the statements so made to him by them as herein provided. A summary of such quarterly reports shall also be prepared by the sheriff and presented to the board of supervisors at its annual meeting, for the year ending November first preceding such meeting.

Quarterly
statements
of receipts.

Verification
of state-
ments.

Summary
of reports.

§ 6. At the time of rendering every such statement such sheriff shall pay over to the county treasurer of the county of Cattaraugus for the benefit of said county, the whole amount of the money so received by him or those under him and chargeable to said office, prior to the last day of the quarter for which such statement is rendered and then remaining unpaid, over and above the amount retained by him pursuant to section nine of this act.

Payment
over of
moneys.

of the jails, jail property and grounds and persons confined in said jails and for any services performed in the care and management of the court house, in short all the duties pertaining to the office of sheriff in said county, and no payment, compensation or allowance shall be made to him or to any person whom he has entrusted with the performance of any duty connected with said office or appointed to any position of trust or profit thereunder, or to any other person for his or their own use for any such services, except as hereinafter stated. No person, who while holding the office of sheriff, under sheriff, jailor, turnkey, clerk or deputy sheriff, shall hold the office of constable or policeman in the city of Olean or in any of the towns or villages of the county of Cattaraugus, shall be entitled to receive any compensation, payment or allowance from the county of Cattaraugus, for any services performed by him as such constable or policeman, which might lawfully have been done by him as such sheriff, jailor, under sheriff, turnkey, clerk or deputy sheriff; nor shall such sheriff or any of his appointees be entitled to receive and retain any compensation, payment or allowance for any services performed by him as an individual for the state, the county or any corporation or individual, which might legally have been performed by him as such officer.

Fees,
emolu-
ments and
perquisites.

§ 3. All the fees, emoluments and perquisites which such sheriff or those under him shall charge or receive, or which he or they shall legally be authorized, required or entitled by law to charge or receive as such officer or as an individual, which might have been done and performed by him or them lawfully as such officer, shall belong to the county of Cattaraugus. It shall be his and their duty to exact, collect and receive the full amount allowed by law of all such fees, emoluments and perquisites for the county of Cattaraugus, and such sheriff shall require payment in advance for all services rendered by him or by his under sheriff or deputies or other appointees in his or their official capacities, by virtue of any law of this state or by any order of the court or of the board of supervisors of said county, or any duty that may hereafter devolve upon him, that is not a county charge.

Account of
official
services.

§ 4. In a proper book or books, to be provided at the expense of the county, such sheriff shall keep an exact and true account of all official services performed by him or his under sheriff or deputies, or any other person employed in an official capacity by said

sheriff, and also of all services performed by them or any of them as an individual, which might have lawfully been performed by them or any of them as such official, and of all moneys, fees, perquisites and emoluments received or chargeable by him or them pursuant to law or as above. Such book or books shall constitute a part of the records of said office, and shall at all times during office hours be open to the inspection, without fee or charge therefor, of all persons desiring to examine the same, and as soon as said books or any of them shall have been completed, the same shall be filed and remain in the clerk's office of such county.

§ 5. Such sheriff shall make a true and full statement for each quarter of the year of all money received each day by him during such quarter, or by his under sheriff or deputies or other official employees, for fees, perquisites and emoluments, for all services rendered by him and them in his or their official capacity, or by him and them as individuals which might lawfully have been done and performed by him or them in their official capacity, and shall transmit and deliver such statement to the county treasurer of said county within twenty days after the expiration of said quarter; such statements shall be properly itemized, each item showing the name of the person paying, the title of the action or proceeding in which the service is rendered, and the party upon whom served or other available data; such statements shall show the total receipts for said quarter and shall have attached thereto an affidavit of said sheriff to the effect that the same is, in all respects, a full and true statement of all moneys by him and those under him to his knowledge received and chargeable to said office as herein required, or which may appear to have been so received or chargeable by those under him, from the statements so made to him by them as herein provided. A summary of such quarterly reports shall also be prepared by the sheriff and presented to the board of supervisors at its annual meeting, for the year ending November first preceding such meeting.

Quarterly
statements
of receipts.

Verification
of state-
ments.

Summary
of reports.

§ 6. At the time of rendering every such statement such sheriff shall pay over to the county treasurer of the county of Cattaraugus for the benefit of said county, the whole amount of the money so received by him or those under him and chargeable to said office, prior to the last day of the quarter for which such statement is rendered and then remaining unpaid, over and above the amount retained by him pursuant to section nine of this act.

Payment
over of
moneys.

Official
bond.

§ 7. Every sheriff elected or appointed in said county shall, before entering upon the duties of said office, execute to the people of this state, a bond in the penal sum of twenty thousand dollars, signed and executed by said sheriff and at least three sureties, who shall justify in the aggregate in the amount of the penalty of such bond or by a surety company duly authorized under the laws of this state to become surety on official bonds. Such bond shall be conditioned that such sheriff shall well, honestly and faithfully discharge all the duties of his office and all trusts imposed upon and reposed in him by law or by virtue of his office, and shall safely keep and pay over as herein provided, all moneys which shall come into his hands in accordance with the provisions of this act. Such bond shall be approved by the board of supervisors of the county, before such sheriff shall enter upon the duties of his office, if such board shall be in session, as to its form and the sufficiency of the sureties; if not, it shall be so approved by the county judge, county clerk and district attorney of the county, or at least two such officers. If the said sheriff shall fail or neglect to furnish such bond before the expiration of ten days from the time when he would otherwise be entitled to enter upon the duties of such office, either by election or appointment, he shall be deemed to have declined the office and the said office shall thereupon be and become vacant. Such bond, if approved by the board of supervisors, shall have endorsed thereon the certificate of the clerk of said board that it has been so approved, and when approved as herein provided shall be filed in the office of the clerk of said county. In the same manner the security shall be renewed within twenty days after the first Monday of January in each year subsequent to that in which he shall have entered upon the duties of his office.

Failure to
furnish
bond.

Endorse-
ment of
approval.

Renewal.

Under
sheriff and
deputies.

Appoint-
ments.

§ 8. There shall be one under sheriff and at least six deputy sheriffs. The sheriff and the officer acting as turnkey shall reside in the city or village in which the county jail is located. The six deputy sheriffs or five deputy sheriffs and one under sheriff shall be appointed, two from the section containing the city of Olean, two from the southwest section and one from each of the other two sections of Cattaraugus county formed by the inter-sections of the following lines: The line which runs north and south between the sixth and seventh ranges and the line which

runs east and west between the third and fourth townships. All of such officers shall be paid by the sheriff out of the sum allowed him in section one of this act and he may require from the officers under him such bonds for the faithful performance of their duties as he deems proper and he shall be responsible for all their official acts and he may appoint and remove them at his pleasure. Each deputy sheriff and the under sheriff shall continue to reside in the section of the county from which he was appointed and a removal from such section shall be deemed a resignation of such office, except as hereinafter stated. A removal of any one of said deputies or the under sheriff to the town or city where the county jail is located for the purpose of acting as turnkey or jailor, shall be deemed a compliance with this act, providing the under sheriff or another deputy sheriff is substituted in said section in his place. The county of Cattaraugus shall in no event be held responsible for any official act of the said sheriff or any of his appointees. It shall be the duty of each under sheriff, deputy sheriff and other official appointed by such sheriff, who may be authorized or entitled to receive any moneys belonging to the county of Cattaraugus, to deliver to such sheriff, on or before ten days after the expiration of each quarter, an itemized statement in the form and verified as provided in this act for the sheriff. The sheriff shall transmit such statements to the county treasurer with his own statement, and the county treasurer shall not make the quarterly payment of salary to such sheriff until the statements for such quarter as herein provided shall have been filed with him. All appointments by the sheriff shall be in writing, signed by him and, within ten days after each appointment, the sheriff shall file the same with the county clerk for record and shall also within that time file with the county treasurer a certificate showing the name, post office address and official character of the person so appointed. In addition to the statements to be filed with the county treasurer by the sheriff, he shall file in or with such statement for each quarter, a further statement, duly verified by him, that the statement above provided of all appointments made by him during such quarter, as to all his appointees authorized or entitled to receive moneys belonging to the county, have been so filed with such treasurer, and until the same is so filed, the county treasurer shall not make such quarter payment of salary.

Compensation.

Removal from section from which appointed.

County not responsible.

Quarterly statements of under sheriff and deputies.

Appointments to be in writing and filed.

Additional statement of sheriff.

count of all fees, perquisites and emoluments received, or to pay over the same as herein required, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit his office, and shall be punished by fine or imprisonment, or both at the discretion of the court before whom such officer may be convicted, and shall be liable to said county in a civil action for all moneys so received and not accounted for.

Number of
court
officers and
deputies.

§ 16. The board of supervisors of Cattaraugus county, may at any regular session, by a resolution duly adopted, fix the number of court officers to be employed, and may also increase or diminish the number of deputy sheriffs to be appointed and change or modify their location as herein provided. In case the number of deputy sheriffs shall be increased, such board shall also fix the salary of such additional deputies and provide for the payment of the same in addition to the salary fixed for the sheriff by section one, during the term of the sheriff in office at the time such increased number of deputies is provided.

Salaries of
additional
deputies.

Repeal.

§ 17. All acts and parts of acts inconsistent with this act, so far as they may relate to the county of Cattaraugus, are hereby repealed.

§ 18. This act shall take effect immediately.

Chap. 143.

AN ACT to re-appropriate money for the erection of a state armory in the village of Whitehall, Washington county, as provided by chapter five hundred and sixty-six of the laws of eighteen hundred and ninety-eight.

Became a law, March 15, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Reappropriation for
armory.

Section 1. The balance remaining in the treasury unexpended of the sum of forty-two thousand dollars, appropriated by chapter five hundred and sixty-six, of the laws of eighteen hundred and ninety-eight, providing for the acquisition of a site for and erecting a state armory in the village of Whitehall, Washington county, which said balance is the sum of twenty thousand, seven hundred and forty-one dollars and eleven cents, is hereby reappropriated

for the same purpose; and the comptroller is directed from time ^{Payments.} to time to pay the same, for the aforesaid purpose, out of any money in the treasury not otherwise appropriated, on the written requisition of the armory commission.

§ 2. This act shall take effect immediately.

Chap. 144.

AN ACT to amend section seven hundred and ninety-one of the code of civil procedure, relating to preferred causes.

Became a law, March 15, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph five of section seven hundred and ninety-one of the code of civil procedure of the state of New York is ^{Code amended.} hereby amended so as to read as follows:

5. In any court, an action or special proceeding in which an executor or an administrator, or testamentary trustee, or an infant or a trustee of a fund for the support and maintenance of an infant, or a receiver appointed by the court, or a trustee in bankruptcy, or a general assignee for the benefit of creditors, or the committee of a lunatic or an idiot, or a creditor of a deceased insolvent debtor suing for the benefit of himself and other creditors interested in the estate or property of such deceased debtor where a right of action is given by express provision of law, is the sole plaintiff or sole defendant; an action or special proceeding for the construction of, or an adjudication upon or to determine the validity of the probate of a will, in which the administrator, with the will annexed, or the executor of the will is joined, as plaintiff or defendant, with one or more other parties, and an appeal from the judgments or decision in any of the foregoing actions or proceedings and in the court of appeals or the supreme court, an appeal from the decree or decision of a surrogate's court, determining a will to be valid and admitting it to probate, or determining an instrument offered for probate as a will to be invalid or not entitled to probate as such, or granting general letters of administration or directing the distribution of a fund or payment of money by an executor

or an administrator in pursuance of an order or decree made on an intermediate, final or judicial accounting or otherwise by an administrator or an executor.

When takes
effect.

§ 2. This act shall take effect on the first day of September nineteen hundred.

Chap. 145.

AN ACT to extend the time within which the Binghamton, Lestershire and Union Railroad Company, and the Binghamton Railroad Company, shall finish their respective roads and put them in operation beyond their present construction and operation.

Became a law, March 15, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Time for
completion
of road
extended.

Section 1. The time within which the Binghamton, Lestershire and Union Railroad Company, and the Binghamton Railroad Company shall finish their respective roads and put them in operation beyond their present construction and operation is hereby extended until the year nineteen hundred and five, and no prejudice to the corporate existence and powers of the respective companies under their respective charters or articles of association shall arise on account of their non-completion or operation of the said roads within the time prescribed by law.

§ 2. This act shall take effect immediately.

Chap. 146.

AN ACT to amend the charter of the village of Owego, relating to sewers, sidewalks, powers of police justices and paving streets.

Became a law, March 15, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Village
charter
amended.

Section 1. Section twenty of chapter one hundred and eleven of the laws of eighteen hundred and fifty-one, entitled "An act to

amend the several acts incorporating the village of Owego in the county of Tioga," as amended by chapter two hundred and seven of the laws of eighteen hundred and ninety-five, section fifteen, is hereby further amended so as to read as follows:

§ 20. The civil jurisdiction of such police justice shall be limited to cases in which said village shall be a party in interest, and his judgments and proceedings in such cases shall be entered upon his docket, as above provided in criminal cases, and his judgments upon transcripts thereof, duly issued by him, may be docketed in the office of the county clerk of Tioga county, and thereupon become judgments of the county court of Tioga county, in the same manner as judgments in civil cases rendered by any justice of the peace of the county of Tioga. Nothing in this act shall be construed to limit, abridge or affect the jurisdiction of magistrates, within said village, or of any judge of a court of record. Such police justice may be removed from office in the same manner as a justice of the peace. When any person shall be arrested, without process, by a police constable, under section twenty-three of this act, and such person shall be brought before such police justice, such magistrate shall proceed forthwith to hear, try and determine the complaint or charge upon which such person is so arrested, and such person shall, upon conviction by such police justice, be fined by him in accordance with any by-law or ordinance of said village, for the punishment of such offense, and in the default of the payment thereof, may be imprisoned in the county jail of Tioga county until such fine be paid, not however, exceeding one day for each dollar thereof, nor in all exceeding the term of thirty days. All offenders shall be entitled, on demand, to trial by jury, as in cases triable before a justice of the peace.

Powers of
police
justice.

§ 2. Section forty-two of said chapter one hundred and eleven of the laws of eighteen hundred and fifty-one, as amended by section twenty-nine of chapter two hundred and seven of the laws of eighteen hundred and ninety-five, is hereby further amended so as to read as follows:

§ 42. Powers of trustees as to highways.—The said village is hereby declared a separate road district and exempt from the superintendence of the commissioners of highways of the town of Owego. The trustees of said village shall be commissioners of

highways in and for said village, and shall have all the powers which commissioners of highways of the several towns of this state had on the first day of January, in the year eighteen hundred and ninety, subject, however, to all the provisions of this act. They shall also have power to regulate, repair and construct crosswalks, sidewalks and sewers, and to pave, plank, curb, grade, straighten, widen, discontinue, alter and clean the streets, alleys, highways, bridges, side and cross walks, drains and sewers in said village; to prevent the incumbering of the same in any manner, and to protect the same from encroachment and injury. They shall also have the powers to determine, by a resolution, to be entered in the minutes of the proceedings of the board, what part or portion of the expense of such improvements, if any, shall be defrayed by such village, and what part by assessment upon the property or premises adjoining or benefited thereby, and to fix the terms on which connections may be made with any of the village sewers. In making any assessments, for any local improvements, pursuant to this section, the same shall be made after the completion of such improvements, upon the owners or occupants of such property or premises adjoining, or, in the judgment of said board benefited thereby, in the manner hereinafter prescribed for making such assessments; provided however, that in all cases of constructing new sewers, where any portion of the expense thereof is defrayed by local assessment, or of paving streets, not less than one-third nor more than two-thirds of the expense thereof shall be defrayed by said village and the balance thereof as the case may be by persons owning property adjoining or benefited thereby. But no public improvement, the expense of which in whole or in part, is to be defrayed by local assessment shall be made until first requested by a petition signed by at least a majority of the owners of the property to be assessed for such improvement, or, unless at least two-thirds of the board of trustees shall concur in voting any such improvement to be expedient, and shall determine to make the same, in which case no petition or request shall be necessary. The bills and expenses incurred in making such improvements may then be presented to and audited by the said board of trustees who may, in case they shall deem it for the best interest of the village so to do, thereupon, by resolution, issue a certificate

or certificates therefor, to be subscribed by the president and clerk of the village, each certificate setting forth the amount so audited and allowed for such purpose, the nature of the improvement for which the same was issued and the number and amount of all such certificates issued for any such purpose, and to whom payable; such certificate shall bear interest from the date thereof at such rate, not exceeding five per centum per annum, as shall be determined by said board, and the amount thereof, together with such interest shall be levied and collected in the same manner as other village expenses. They shall also have the power to cause such streets, lanes, alleys and highways in said village, or any part or parts thereof, which shall have been heretofore laid out, but not recorded or sufficiently described, and such as have been used for twenty years but not recorded, to be ascertained, described and entered on record, in a book to be kept by the clerk of the village. Whenever any of the improvements or repairs, or any of the other acts herein authorized to be done by said board of trustees, at the expense, in whole or in part, of persons whose property shall adjoin or be benefited thereby, shall have been made or done by said board of trustees, and be, as above provided, chargeable upon owners or occupants, the expense thereof, shall be assessed by said board of trustees upon the owners or occupants of the lands or premises adjoining or benefited. Such expense shall be so assessed to such owners or occupants by name, when known to said board of trustees and when unknown, to the unknown owners of such lands and premises, describing the same. Such assessment shall be so apportioned among such owners or occupants, in proportion to the value of such premises and the amount of benefit thereto, as such board, or a majority thereof, shall deem just. Such assessment shall be left with the village clerk, who shall give public notice, in two newspapers designated by said board, that the same has been left with him, and that the board of trustees will, on a certain day to be therein specified, which shall not be less than ten days from the first publication of said notice, proceed to confirm said assessment. During that period, or upon the day so specified, any person interested may appear before said board of trustees and apply to have such assessment altered or corrected, as justice may require. The same may thereupon be corrected by them upon proper cause shown, and their action may be reviewed

in the same manner as the actions of the assessors of towns; and after the determination of such applications, if any, such assessment shall be thereupon confirmed by said board without further notice. All such assessments shall constitute a lien upon the lands or premises, respectively, upon or for, or in respect of which, they have been made. Within twenty days thereafter such assessments may be paid to the treasurer of the village. If any such assessments shall remain unpaid at the expiration of said twenty days, the said board of trustees shall issue their warrant to the collector of said village, under their hand and corporate seal, who shall thereupon proceed to collect the same, as directed in section fifty-two of this act, in respect to sidewalk expenses, and the same proceedings shall be had thereupon and thereafter for collection thereof as is therein provided for the collection of sidewalk expenses, after the said sidewalk expenses have been certified as unpaid to the assessors. Nothing in this section shall be deemed to affect any bridge in the town of Owego, over either the Susquehanna river, the Owego creek, Archibald creek, Nichols hydraulic canal, or Huntingdon creek, but all such bridges shall be, and continue to be, under the jurisdiction and superintendence of the highway commissioners of the town of Owego, and the construction and repairs of all such bridges shall continue to be at the expense of the town of Owego.

§ 3. Section fifty-two of said chapter one hundred and eleven of the laws of eighteen hundred and fifty-one, as amended by section thirty-six of chapter two hundred and seven of the laws of eighteen hundred and ninety-five, is hereby further amended so as to read as follows:

§ 52. Improvement of sidewalks.—The trustees shall have power to cause to be immediately repaired or rebuilt any sidewalk, in front of or adjoining any premises in said village, or to cause new walks to be built, and to determine and prescribe the manner of doing the same, and the materials to be used therein, and the quality or kind of such materials; and the provisions of section one hundred and sixty-one and one hundred and sixty-eight of the village law not inconsistent with the provisions of this act, shall be and they are hereby made applicable to the construction and repair of crosswalks and sidewalks and keeping the sidewalks and streets cleaned of weeds, ice, snow and other accumulations thereon and the assessment and collection of the expenses thereof.

Such village shall not be liable in damages to any person on account of injuries received, by reason, or on account of, any defective condition of any sidewalk in said village unless written notice of such injury shall be given to the said board of trustees within ten days after such injury shall have been caused.

§ 4. This act shall take effect immediately.

Chap. 147.

AN ACT to amend sections seven hundred and sixty-eight, twelve hundred and three and twelve hundred and fourteen of the code of civil procedure, relative to motions and applications for judgment.

Became a law, March 15, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seven hundred and sixty-eight of the code of civil procedure is hereby amended so as to read as follows:

§ 768. Definition of a motion.—An application for an order is a motion. Such application or motion must be made to a court, or to a judge or justice thereof. When the defendants have made default in appearing in an action or proceeding, any application or motion therein may be made to the court or to a judge or justice thereof out of court. Where any of the defendants in an action or proceedings have appeared, all motions or applications thereafter made in such action or proceedings, must be made to the court, unless such defendants consent to the making of such motion or application to a judge or justice out of court.

§ 2. Section twelve hundred and three of the code of civil procedure is hereby amended so as to read as follows:

§ 1203. Application for judgment.—Judgment must be entered, in the first instance, pursuant to the direction of the court, at a term held by one judge; except where special provision is otherwise made by law. If notice of an application for judgment is not required, and an order for judgment is made by a judge out of court, the judgment may be entered with the same force and effect as if granted in court.

§ 3. Section twelve hundred and fourteen of the code of civil procedure is hereby amended so as to read as follows:

§ 1214. Application for judgment by default; when necessary.—Where the summons was personally served upon the defendant, within the state, and he has made default in appearing, or where the defendant has appeared, but has made default in pleading; and the case is not one where the clerk can enter final judgment, as prescribed in the last two sections, the plaintiff may apply to the court, or to a judge or justice thereof out of court, for judgment. Upon the application he must file, if the default was in appearing, proof of service of the summons; or, if the default was in pleading, proof of appearance, and also, if a copy of the complaint was demanded, proof of service thereof, upon the defendant's attorney; and in either case, proof by affidavit, of the default which entitles him to judgment. If one or more of the defendants have appeared, and one or more defendants have failed to appear, then the application for judgment must be made to the court, unless the defendants who have appeared consent to the making of such application to a judge or justice out of court.

§ 4. This act shall take effect September first, nineteen hundred.

Chap. 148.

AN ACT authorizing the board of managers of the State Home for Dependent Veterans at Oxford, New York, to receive as inmates thereof Francis G. Clock, and Elizabeth, his wife.

Became a law, March 16, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of managers of the New York State Home for the Aged, dependent veteran and his wife, veterans' mothers, widows and army nurses, residents of New York, at Oxford, New York, is hereby authorized to receive as inmates thereof, subject to the conditions, rules and regulations of such Home, Francis G. Clock of Afton, Chenango county, a veteran of the civil war, and Elizabeth his wife, although they were married since the year eighteen hundred and eighty, the said Eliza-

beth being at the time of such marriage the widow of a veteran of the civil war.

§ 2. This act shall take effect immediately.

Chap. 149.

AN ACT to make an appropriation for the payment of the judgments of the court of claims, in claims other than those on account of the canals of this state.

Became a law, March 16, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of one hundred and seventeen thousand dollars, or so much thereof as may be necessary, is hereby appropriated to pay judgments made by the court of claims, in claims other than those on account of the canals of this state, with interest on each judgment from the date thereof until the twentieth day after the comptroller is authorized to issue his warrant for the payment thereof under the provisions of this act, or until payment, if payment be sooner made; but no such judgment shall be paid until there shall be filed with the comptroller a copy of such judgment, duly certified by the clerk of said court, and a certificate of the attorney-general that no appeal from such judgment has been or will be taken by the state.

Appropriation for canal claims.

§ 2. This act shall take effect immediately.

Chap. 150.

AN ACT to make an appropriation for the payment of the judgments of the court of claims, in claims arising on account of the canals of this state.

Became a law, March 16, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of one hundred and five thousand dollars, or so much thereof as may be necessary, is hereby appropriated

Appropriation for judgments.

Payment
restricted.

from the canal fund for the payment of judgments made by the court of claims in claims before said court on account of the canals of this state, with interest on each judgment from the date thereof until the twentieth day after the comptroller is authorized to issue his warrant for the payment thereof, under the provisions of this act, or until payment, if payment be made sooner; but no such judgment shall be paid until there shall be filed with the comptroller a copy of such judgment duly certified by the clerk of said court and a certificate of the attorney-general that no appeal from such judgment has been or will be taken by the state.

§ 2. This act shall take effect immediately.

Chap. 151.

AN ACT making a reappropriation for the purpose of improving the west branch of the Eighteen-Mile creek in the towns of Lockport and Newfane in the county of Niagara.

Became a law, March 18, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of thirteen thousand, eight hundred and seventeen dollars and twenty-one cents, being the unexpended balance of the sum of fifteen thousand dollars which was appropriated by chapter six hundred and nine of the laws of eighteen hundred and ninety-eight, is hereby reappropriated to be used for the purpose mentioned in such chapter.

§ 2. This act shall take effect immediately.

Chap. 152.

AN ACT to amend sections four and fifteen of chapter fifty-one of the laws of eighteen hundred and forty-seven, entitled "An act in relation to common schools in the village of Lockport," as heretofore amended, relating to elections of trustees and amount of tax which may be raised.

Accepted by the city.

Became a law, March 16, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four of chapter fifty-one of the laws of eighteen hundred and forty-seven, as amended by chapter two hundred and thirty-four and chapter six hundred and twenty-three of the laws of eighteen hundred and seventy-three, and by chapter two hundred and fifteen of the laws of eighteen hundred and ninety, and by chapter four hundred and two of the laws of eighteen hundred and ninety-seven, is hereby amended so as to read as follows: School act amended.

§ 4. On the first Saturday of September next there shall be elected by each primary district one trustee, who shall be a resident of such primary district, to fill the places of those named in the last section, in behalf of such districts respectively. On the first Saturday of October next there shall be elected in said union district five trustees, residents of said union district, to fill the places of those named in the last section, in behalf of said union district. Annually thereafter, on the days specified for such elections, there shall, in said districts and union district, be elected four trustees, to fill the places of those whose terms shall next thereafter expire, as hereinafter provided. The trustees named in the third section above shall hold their offices until the first Monday of January next, and until their successors shall be chosen and enter upon the discharge of their offices respectively. Every officer elected under this act shall enter upon the duties of his office upon the first Monday of January next succeeding his election, and shall hold his office for the term hereinafter provided, and until his successor shall be elected and enter upon the duties of his office. All elections under this act Election of trustees.

Term of office.

Elections in
primary
districts.

for primary district trustees shall be held at public and convenient places in the several districts, and the board of education shall, at their first regular meeting after the first day of May, eighteen hundred and seventy-three, by resolution, designate and appoint such places, and shall publish such resolution, for three successive publications, in each of the daily newspapers published in the city of Lockport, and the places so designated shall be and continue the places for the holding of such election, until changed by said board of education, and all changes therein shall be published by said board as aforesaid. At all such elections

Opening
and closing
of polls.

of trustees in the several primary districts, the polls of such election shall be opened at the hour of eleven o'clock in the forenoon, and remain open for the reception of ballots until the hour of four o'clock in the afternoon, when the polls shall be closed. At all elections of trustees in and for said union district, the board of education may designate two convenient polling places; one whereof shall be for male voters only, and the other for female voters only; and no vote shall be offered by a voter or received by any election officer, at any such election, except at the polling place provided for voters of the same sex as the person offering the vote. Until changed by the board of education the polling place for male voters shall be at the intermediate school building, on Chestnut street, in said city, and the polling place for female voters shall be at the union school building, on East avenue, in said city. The board of education may change such polling places when necessary in its judgment, and all changes thereof shall be published by the board of education,

Polling
places in
union
district.

Opening
and closing
polls
therein.

as in the case of primary district polling places. The polls of the union district elections shall be opened at ten o'clock in the forenoon, and remain open for the reception of ballots, until the hour of eight o'clock in the evening, when the polls shall be closed. The office of clerk of the union district and of each of said primary districts is hereby abolished. The president of the board of education shall, at least one week before each of said election days, appoint two reputable resident freeholders of the city of Lockport, to be chairman and clerk of the poll respectively, at and for each polling place at such election. Each person so appointed or who shall be elected to either of said offices, as hereinafter provided, before he acts as such officer, shall take and subscribe the constitutional oath of office, and the same shall be

Chairman
and clerk of
polls.

filed in the office of the board of education. It shall be the duty Duties. of the chairman and clerk so appointed to attend at the proper time at the polling place for which they were appointed, and open the poll, and keep the same open as herein provided, and receive the ballots offered by the voters at such poll and keep a poll list, in writing, showing the names and residences of the several voters, and all challenges of voters; and immediately upon the closing of the poll, to proceed and count the votes cast, and thereupon publicly proclaim the true result of the balloting, and make their certificate in writing thereof, and to file the same, together with said poll list, and all of the ballots cast at said polling place at such election, in the office of the board of education, within forty-eight hours after the closing of the poll. Such ballots shall be carefully kept by said board for one year next after such election.

The laws of the state relative to school district meetings and School law applicable. qualifications of voters thereat shall apply to such elections so far as not inconsistent with this act. The board of education shall attend at the office of the board on the second business day, next after any such election of union district trustees, at half past seven o'clock in the evening, and proceed to canvass the Canvass of votes by board of education. votes for trustees, as the same shall have been certified by the election officers of the several polls, and shall ascertain and declare the result of the election and enter in the records of the board a statement of the number of votes cast for each candidate at such election, and the name or names of the trustee or trustees elected. Each chairman and clerk of the polls, for all his services Compensation of chairman and clerk. in and about the election, down to and including the filing of the certificate of result and poll list, shall be paid as follows: for each primary district election, three dollars; for each union district election, five dollars; the same to be deemed contingent expenses, payable from the union district moneys. In case of the Vacancies. absence of the chairman or clerk of the poll from any polling place at any such election, the qualified voters present thereat, shall elect one of their number to fill the vacancy until such absent officer shall appear.

§ 2. Section fifteen of chapter fifty-one of the laws of eighteen hundred and forty-seven, as amended by chapter three hundred and seventy-eight of the laws of eighteen hundred and sixty-six, is hereby amended so as to read as follows:

Annual
estimate
for union
district.

Assessment
and collec-
tion of
amount.

Limitation
of amount.

Estimate
for primary
or second-
ary dis-
tricts.

Assessment
and collec-
tion of
amount.

§ 15. Said board of education shall, at the commencement of each year, make an estimate, by the best means in their power, and determine by resolution, the amount of money which will be needed for all the purposes of education in said union school district for the current year, and for all other purposes provided for by this act, over and above the moneys to be received from the regents of the university, from the state and for tuition, and shall, transmit a copy of said resolution to the common council of the city of Lockport, and said common council shall assess and collect the amount so certified, by a tax upon all the taxable property of said city, upon the same assessment roll, and at the same time and in the same manner, that city taxes are now required to be assessed and collected, and the amount so estimated and collected shall be paid by the city treasurer upon orders drawn in pursuance of resolutions of said board of education, such orders to be signed by the president of said board and certified by its secretary. The amount of money so to be raised in any one year shall not be less than the amount received in behalf of all said districts from the state for the year next preceding, nor more than five times that amount, unless such greater amount shall be authorized by a vote of the taxable inhabitants of said union district, at a regular meeting of such district; and said board is hereby authorized, in making the estimate for the year eighteen hundred and sixty-six, to include a sufficient amount to pay all expenses contemplated by the foregoing provisions, which shall accrue before the first day of October, eighteen hundred and sixty-seven; and whenever any money shall be needed for the use of any primary or secondary district, for any of the purposes contemplated by this act, said board of education shall estimate and certify the same to said common council, whose duty it shall be to assess and collect the same by tax on the taxable property of such primary or secondary district, in the same manner as above provided for the assessment and collection of the general tax, and the moneys so collected shall be paid on orders drawn as above provided, and shall be applied for the benefit of the respective districts upon which the same shall have been assessed.

§ 3. This act shall take effect immediately.

Chap. 153.

AN AOT to amend the highway law, and the acts amendatory thereof, relative to commutations of labor on highways.

Became a law, March 16, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixty-two of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled "An act in relation to highways, constituting chapter nineteen of the general laws," as amended by chapter five hundred and seventy-nine of the laws of eighteen hundred and ninety-five, chapter nine hundred and seventy-three of the laws of eighteen hundred and ninety-six, chapter three hundred and thirty-four of the laws of eighteen hundred and ninety-seven and chapter three hundred and forty-five of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows: Highway law amended.

§ 62. Every person and corporation shall work the whole number of days for which he or it shall have been assessed, except such days as shall be commuted for, at the rate of one dollar per day, and such commutation money shall be paid to the overseers of the highways of the district in which the labor shall be assessed, within at least twenty-four hours before the time, when the person or corporation is required to appear and work on the highways; but any corporation must pay its commutation money to the commissioners of highways of the town, who shall pay the same to the overseers of the districts, respectively, in which the labor commuted for was assessed except in the counties of Rensselaer, Chemung, Onondaga, Columbia, Otsego, Chautauqua, Chenango, Madison, Wayne, Erie, Franklin, Sullivan, Tioga, Saratoga, Broome, Orange, Ontario, Genesee, Essex, Schenectady, Livingston, Schuyler, Monroe, Oneida, Niagara, Orleans and Jefferson where such commutation money shall be paid on or before the first day of June of each year to the commissioner or commissioners of highways of the town in which the labor shall be assessed, and such commutation money shall be expended by the commissioner or commissioners of highways upon the roads and bridges of the town as may be directed by the town board. Commutations of labor on highways.

§ 2. This act shall take effect immediately.

Chap. 154.

AN ACT to incorporate the Lockport and Newfane Power and Water Supply Company.

Became a law, March 16, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corpora-
tors.

Section 1. Willard T. Ransom, Henry J. Pierce, John A. Merritt and Harry L. Ransom, and their associates and successors, are hereby constituted a corporation by the name of The Lockport and Newfane Power and Water Supply Company. The business of such corporation shall be the development and employment of hydraulic and electrical power, the generating, sale and distribution thereof and of electricity and power, light or heat produced from such electricity, or otherwise, and the supplying of pure and wholesome water to any village, town or city within the county of Niagara, and the citizens thereof.

General
powers and
liabilities.

§ 2. Such corporation shall possess all the powers and be subject to the same liabilities as a corporation organized under the general laws of the state, and except as provided in this act, the provisions of the general and stock corporation laws shall apply to such corporation, and the officers and stockholders.

Capital
stock.

§ 3. The capital stock of such corporation shall be five hundred thousand dollars, in shares of one hundred dollars each.

Construc-
tion of dam.

§ 4. Such corporation may construct and maintain a dam without fishways across the Eighteen Mile creek in the town of Newfane, in the county of Niagara, at or near the old Arrow-smith mill dam and all necessary raceways, reservoirs, sluices, gates, trunks, canals and other appliances for the proper use of the water of such creek in the development and use of hydraulic and electrical power as herein provided for. For the purpose of conveying and supplying water or conducting such electricity, such corporation may enter upon any street, highway or lane in such county, and lay and construct any pipes, conduits or other works, and erect polls and wires for that purpose, leaving such streets, highways, and lanes in the same condition as before such entry, as nearly as may be. When necessary to its purpose of supplying and conducting water, or furnishing light in public places, or power for transportation such corporation

Use of
streets and
highways.

Acquisition
of lands,
etc.

may acquire the necessary lands, rights and easements necessary therefor, and when unable to agree with the owner for the purchase thereof, may acquire the same by condemnation.

§ 5. The powers granted by this act to transmit and use electricity and to conduct and supply water shall be subject to the general laws of the state and the municipal orders of the several cities, villages and towns within which it shall be transmitted or used and shall not be exercised within the limits of any town, village or city, without securing the consent of the local authorities thereof as provided by law for the exercise of a similar power by any other person or corporation. If the consent of the property owners and town, village and city authorities cannot otherwise be obtained, said corporation may apply to the supreme court at any special term thereof in the eighth judicial district for the appointment of three commissioners to determine whether such consents ought to be granted and the right given to said corporation to construct and maintain the appurtenances for conducting and supplying water and electricity or power along such lines as said corporation may deem necessary. Such commissioners shall be appointed in the same manner and upon the notice and have like power over questions so to be referred to them as is provided in section ninety-four of the railroad law, except that the supreme court at special term shall be substituted for the general term or appellate division as the court in which any such proceedings shall be taken.

Powers granted subject to general laws.

Proceedings to obtain consent of authorities

§ 6. This act shall take effect immediately.

Chap. 155.

AN AOT to amend chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, known as "the Greater New York charter," relative to the right of way of the apparatus of the insurance patrol.

Accepted by the city.

Became a law, March 16, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seven hundred and forty-eight of title two, chapter fifteen, of chapter three hundred and seventy-eight of

City charter amended.

the laws of eighteen hundred and ninety-seven, entitled "An act to unite into one municipality under the corporate name of the city of New York the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn, the county of Kings, the county of Richmond, and part of the county of Queens, and to provide for the government thereof" is hereby amended so as to read as follows:

Right of
way of fire
apparatus,
etc.

§ 748. The officers and men of the fire department, and the officers and men of the insurance patrol respectively with their apparatus of all kinds, when on duty, shall have the right of way at, and in proceeding to, any fire, in any highway, street or avenue, over any and all vehicles of any kind, except those carrying the United States mail. And any person in or upon any vehicle who shall refuse the right of way, or in any way obstruct any fire apparatus, or any apparatus of the insurance patrol, or any of said officers and men while in the performance of duty, shall be guilty of a misdemeanor, and be liable to punishment for the same.

§ 2. This act shall take effect immediately.

Chap. 156.

AN ACT conferring jurisdiction upon the court of claims to audit and determine the alleged claim of the firm of Maynard, Gilbert and Cone and its survivor for professional services rendered and expenses incurred for the state, and to render judgment therefor.

Became a law, March 16, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Jurisdiction
to hear
claim.

Section 1. Jurisdiction is hereby conferred upon the court of claims to hear, audit and determine the alleged claim of the late firm of Maynard, Gilbert and Cone and its survivor for professional services rendered and expenses incurred for the state in the action of Mary Jane Hagner against Amos C. Hall and others, in which action the title to certain state lands was involved, and to make an award and render judgment therefor against the state and in favor of said claimants.

§ 2. No award shall be made or judgment rendered against the state, unless the facts proved shall make out a case against the state which would create a liability were the same established in evidence in a court of law or equity against an individual or corporation; and in case such liability shall be satisfactorily established, then the court of claims shall award to and render judgment for the claimants for such sum as shall be just and reasonable, notwithstanding the lapse of time since the accruing of such claim, provided the claim hereunder is filed with the court of claims within one year after the passage of this act.

Award or judgment.

§ 3. This act shall take effect immediately.

Chap. 157.

AN ACT to ratify and legalize the franchises and agreements granted and made by and between the common council of the city of Rome, New York, and The Rome City Street Railway Company.

Accepted by the city.

Became a law, March 16, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The franchises granted to the Rome City Street railway company by the common council of the city of Rome, April sixth, eighteen hundred and ninety-nine, and agreements of said date between the common council of the city of Rome and said the Rome City Street railway company, in and by which the said common council of the city of Rome granted the applications of the Rome City Street railway company to construct, maintain, and operate a street surface railway upon certain streets in said city and consented and agreed to and with the said The Rome City Street railway company that in case said city should order the re-grading, re-paving or new paving of said streets or any portion thereof upon which tracks are laid or to be laid, then the said city should furnish the material required for such re-grading, re-paving or new paving between said tracks and two feet in width outside of the tracks, the said the Rome City Street railway company to do and perform all work in connection with

Franchises and agreements legalised.

the laying and construction, and the repair of said road between its tracks and two feet outside thereof, which franchises, agreements and conditions are fully set forth and contained in the applications of the said the Rome City Street railway company to the common council of the city of Rome and the resolutions of said common council passed April sixth, eighteen hundred and ninety-nine, are hereby in all things ratified and legalized.

§ 2. This act shall take effect immediately.

Chap. 158.

AN ACT to authorize the city of Ogdensburg to borrow money for the improvement and extension of its water works and to issue bonds therefor.

Accepted by the city.

Became a law, March 16, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Authority
to borrow
money.

Section 1. The common council of the city of Ogdensburg shall borrow, upon the credit of said city, such sums of money, not exceeding in the aggregate the sum of fifteen thousand dollars, for such extension and improvement of the water works and water plant of said city as have been already made, or hereafter shall be made, by the board of water commissioners, at such times and in such amounts as may be required by the said board of water commissioners, and shall issue the bonds of said city for such loan. Said bond shall run from one year to twenty years from the date of issue thereof, and shall be made payable on such dates respectively, that one-twentieth part of the principal sum shall become due and payable in each and every successive year, commencing at the expiration of one year from the date of issue.

Issue of
bonds.

Interest on
bonds.

§ 2. Said bonds shall bear such rate of interest as the said common council and board of water commissioners shall deem best, not however to exceed four per centum per annum. Interest shall be paid semi-annually on the first day of January and the first day of July in each year. Said bonds shall be payable in the city of Ogdensburg, or in the city of New York, as shall be determined by the said common council and board of water commissioners, and may be registered or coupon bonds, and shall be

When pay-
able, etc.

numbered to correspond with the bonds. The said bonds shall be signed by the mayor of said city, under the seal thereof, and countersigned by the city clerk, and a true record thereof shall be kept by the said common council and said board of water commissioners.

§ 3. The said bonds shall be sold by the treasurer of said city under the superintendence and direction of the common council at not less than par, and the moneys received therefor shall be paid to the treasurer of said city, and by him credited to the funds of the said board of water commissioners. For the faithful performance of those duties and accounting for said bonds and moneys the said treasurer shall give a bond in such form and amount and with such sureties as shall be required by the said common council.

Sale of bonds.

Treasurer to give bond.

§ 4. The moneys necessary to pay such of said bonds and interest as mature and become payable in any year after applying thereto such net receipts and income from said water plant standing to the credit of the said board of water commissioners as may be available and properly applicable to the payment of said bonds and interest, shall be levied and collected upon the taxable property of said city as taxes for other like purposes are directed to be levied and collected.

Tax for interest and principal.

§ 5. This act shall take effect immediately.

Chap. 159.

AN ACT to amend chapter seven hundred and forty-seven of the laws of eighteen hundred and ninety-six, entitled "An act to revise and consolidate the several acts in relation to the city of Kingston, to revise the charter of said city, and to establish a city court therein and define its jurisdiction and powers."

Accepted by the city.

Became a law, March 16, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-five of chapter seven hundred and forty-seven of the laws of eighteen hundred and ninety-six is hereby amended to read as follows:

§ 35. Of the city clerk.—The city clerk shall correct all clerical errors in the description or valuation of property under the direction of the common council, and make a correct and exact copy of the assessment roll so made as aforesaid, certify the same to be correct and deliver the said copy to one of the supervisors of said city, on or before the first day of November, in each year, to be by him presented to the board of supervisors as and for the tax-roll of said city. The clerk of said city shall have the custody of the records, books and papers of the said city; he shall attend all meetings of and act as the clerk of the common council; and he shall record in the manner prescribed by the said common council their ordinances, rules, regulations, by-laws, resolutions and proceedings, and the proceedings of all elections and meetings of the inhabitants of said city. The books and papers in the office of said clerk, shall, at all times, be produced for inspection to any taxable inhabitant of said city, and upon like demand and tender of fees at the rate of ten cents per folio he shall furnish a copy of any papers or records filed with him as said clerk. Copies of papers duly filed in his office and transcripts from the records of said city, certified by him under the corporate seal, shall be evidence in all courts, and in all actions and proceedings, in like manner as if the original were produced. His office is hereby declared a town clerk's office for the purpose of depositing and filing therein all books and papers required by law to be filed in the town clerk's office, and he shall possess all the powers and discharge all the duties of the clerk, except so far as the same shall be inconsistent with other provisions of this act. He shall keep an accurate account of all moneys received by him belonging to the city, and shall, within ten days after the receipt of any money by him pay the same over to the treasurer of said city, for which he shall take a receipt from such treasurer, and file the same in his office, and have all such receipts, at all times ready for examination by the common council or any member thereof. He shall also keep an accurate account of all expenditures by said city, which account shall be kept in such manner as the common council shall direct. All money shall be drawn from the treasury in pursuance of the order of the common council by a warrant on the city treasurer, signed by the mayor, or in case of his absence or inability to act by the presiding officer

of the common council, and countersigned by the clerk; such warrant shall specify for what purpose the amount therein paid, and to what fund chargeable, and the clerk shall keep an accurate account of all warrants drawn on the treasurer, in a book to be provided for that purpose, specifying the number of each warrant, the purpose for which issued and the number of the voucher and date of resolution upon which it is issued. The city clerk shall receive for services a salary of one thousand five hundred dollars per annum, to be paid monthly.

§ 2. Section thirty-six of chapter seven hundred and forty-seven of the laws of eighteen hundred and ninety-six is hereby amended to read as follows:

§ 36. *Of the treasurer.*—The city treasurer shall be the chief fiscal officer of the city and shall perform such duties incident to his office as the common council requires. He shall keep an office at such place as the common council designates, which shall be kept open each day of the year except Sundays and legal holidays, from nine o'clock in the forenoon until four o'clock in the afternoon, and at such other hours as the common council from time to time directs. He shall receive all moneys directed to be paid to said city and pay out the same. He shall enter daily in suitable books, all sums of money received by him for taxes or otherwise, with the name of the person or corporation on whose account the same is paid and the ward for which such tax was received. He shall also enter in a column in the assessment rolls, in his possession, opposite the names of the persons or corporations paying their taxes or assessments, the fact of payment and the amount and date when paid. He shall also keep a record of all persons, and their respective addresses, who pay taxes for non-residents of said city and the addresses of such non-residents, so far as he can ascertain the same. He shall keep separate accounts of the different funds of the city and credit to the general fund account; the police, the alms commissioners, the water fund, and the salary accounts, the amounts raised and collected for each of said accounts. He shall separate and credit to the proper account the amount raised by each special tax and assessment, and keep such other subdivisions of accounts and funds as the common council directs. Except as herein modified, he shall have the powers and perform the duties of collectors of towns and shall also have

such other powers and perform such other duties as are required by the provisions of this act. He shall, each month, present to the common council a statement of the financial condition of the treasury, and on December first in each year present a full and true account, duly verified, of all receipts and disbursements, all balances to the credit of each fund and all other facts necessary to show the condition of the treasury since his last annual report. No money shall be drawn or paid out of the treasury, except in pursuance of an order appropriating the same and upon warrants signed by the mayor or acting mayor, and countersigned by the clerk, except as herein otherwise provided. All warrants shall specify for what purpose the amount therein stated is to be paid and to what fund chargeable. Bonds and interest coupons as they become due may be paid without warrants. All taxes and assessments shall be payable at the treasurer's office and all warrants, tax and assessment rolls delivered to him for collection and all books, documents and vouchers and papers relating to said office shall be filed there. All fees, percentages or interest money received by the treasurer shall be paid by him into the treasury of the city. He shall receive a salary of one thousand five hundred dollars per annum to be paid monthly, in full for all services under this act.

§ 3. Section one hundred and twenty-four of chapter seven hundred and forty-seven of the laws of eighteen hundred and ninety-six is hereby amended so as to read as follows:

§ 124. The common council may raise by tax upon the real and personal property assessable in said city, in each year:

1. The quota of state and county charges.
2. For the commissioners of the alms-house, a sum not exceeding twenty-two thousand dollars.
3. For the board of police commissioners, a sum not exceeding fifteen thousand dollars.
4. For salaries, a sum not exceeding thirteen thousand and five hundred dollars.
5. For the general fund, a sum not to exceed forty-five thousand dollars.
6. The amount necessary to pay the principal and interest of bonds falling due.
7. The amount necessary to pay the proportion of special assessments for local improvements to be paid by general tax.

8. The amounts required by law to be raised for the board of health; the examining and supervising board of plumbers and plumbing and election expenses. The taxes hereinbefore specified shall be included in one assessment.

§ 4. This act shall take effect immediately.

Chap. 160.

AN ACT to incorporate the city of Cortland.

Became a law, March 16, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

THE CHARTER OF THE CITY OF CORTLAND.

- I. Incorporation, boundaries, civil divisions and definitions. (Sections 1-9.)
- II. City officers, elections, appointments, terms of office, eligibility, compensation, filling vacancies. (Sections 10-29.)
- III. City officers, their general powers and duties. (Sections 30-49.)
- IV. The common council. (Sections 50-69.)
- V. Department of public works, local improvements, streets, highways, construction of sewers, paving of streets and construction of sidewalks. (Sections 70-89.)
- VI. Board of fire commissioners and fire department. (Sections 90-109.)
- VII. The police department. (Sections 110-139.)
- VIII. Department of charities. (Sections 140-149.)
- IX. Department of public instruction. (Sections 150-169.)
- X. Board of health. (Sections 170-179.)
- XI. Assessment and taxation. (Sections 180-209.)
- XII. City court. (Sections 210-229.)
- XIII. Department of law. (Sections 230-239.)
- XIV. Actions by and against the city. (Sections 240-249.)
- XV. Miscellaneous. (Sections 250-269.)

TITLE I.**INCORPORATION, BOUNDARIES, CIVIL DIVISIONS,
DEFINITIONS,**

Section 1. Short title; public act.

2. Boundaries of the city.

3. Corporate name and powers.

4. Divisions into wards; ward boundaries.

5. Definitions.

Section 1. Short title; public act.—This act is a public act and shall be known as “The charter of the city of Cortland.”

§ 2. **Boundaries of the city.**—All that tract of land constituting the present village of Cortland, in the county of Cortland and state of New York, included within the following boundaries is hereby constituted a city which shall be known and designated as the “City of Cortland,” to wit: Beginning in the center of the east branch of the Tioughnioga river at its intersection with the north line of lot number sixty-six in the town of Cortlandville, running thence west on said north line of said lot and the north line of lots numbered sixty-five and sixty-four in said town one hundred and eighty-seven chains and ninety-eight links, thence south one hundred and forty-four chains and seventy links to the center of Tompkins street, so-called, thence east one hundred and seventy-six chains and sixty-four links, thence north fifty-eight chains and seventy links, to the center of Port Watson bridge, so-called, and the center of Tioughnioga river, thence up the center of said river and the center of the east branch thereof, eighty-seven chains and ninety links to the place of beginning.

§ 3. **Corporate name and powers.**—1. The citizens of the state of New York from time to time inhabitants within the boundaries of the “City of Cortland,” as aforesaid, shall be a municipal corporation in perpetuity under the name of the “City of Cortland.” The said corporation may take, purchase, hold, sell and convey real and personal property; it may take by gift, grant, bequest and devise, and hold real and personal estate in trust for any purpose of education, art, health, charity or amusement, for parks or gardens, for the erection of statues, monuments, public buildings or other public use, upon such terms as may be prescribed by the grantor or donor and accepted by said corporation, and

may provide for the proper execution of said trust, and may have, use, and from time to time alter, a common seal, may sue and defend in all courts and may do anything necessary to carry into effect the powers granted to it.

2. **Town of Cortlandville.**—The town of Cortlandville shall hereafter consist of all the territory heretofore constituting said town, except that portion thereof embraced within the boundaries of the city of Cortland, and the territory embraced within the boundaries of said city as hereinbefore described shall not constitute or be a part of the town of Cortlandville.

3. **Succession of liabilities.**—The corporation known as the village of Cortland and included in the boundaries of said city is hereby dissolved, subject to the provisions of this act. The city of Cortland shall succeed to and be vested with all the rights and property of the said village of Cortland, and shall succeed to and be liable for all the liabilities of said village corporation, of every name and nature; and every suit, prosecution, or proceeding commenced by or against said village corporation, and pending at the time of the passage of this act, may be continued by or against and in the name of said village, or at the option of the parties thereto, the name of said city may be substituted instead of said village corporation and in the name of said city all suits, actions or proceedings may be continued. All divisions of said village into road, fire or other districts, highways, streets, parks and alleys, shall remain, be and continue such divisions, highways, streets, parks and alleys in the city of Cortland; and all ordinances, rules and regulations of the board of trustees of the said village of Cortland, in force at the time of the passage of this act, shall be and continue to be in force, and shall have the same force, over the entire limits of the city of Cortland as in and by this act established, until repealed, modified or changed by the common council of said city; subject, however, to the provisions of this act; the said common council is hereby authorized and empowered, in the name, for and in behalf of the city of Cortland, to enforce all such ordinances, rules and regulations, and all contracts of said village, including collections of debts and demands, imposition and collection of fines and penalties, prosecution and defense of all suits; and to do, take and perform all other acts and proceedings that may be or become necessary or proper to carry out and enforce said contracts, ordinances, rules

and regulations with the same force and to the full extent, as might have been done by or on the part of the board of trustees of said village, or by said village; and the rights and privileges of all persons or parties that may have arisen or accrued under, pursuant to or by reason of, any such contract, ordinance, rule or regulation, or otherwise as well as any liability that may have arisen by reason thereof, shall remain and be the same under this act as they would have been under the village charter of said village; and all rights and liabilities of said village, existing at the time of the passage of this act, shall be in no wise affected or changed thereby; but all actions and proceedings which may be hereafter commenced to enforce or protect any such accrued or existing rights, privileges or liabilities, shall be brought and prosecuted or defended by or in the name of the city of Cortland. All rules and regulations pertaining to the government of the fire department of the said village, in force at the time of the passage of this act, shall remain, be and continue the same under the said city as under said village government, until repeal thereof and the adoption of other or further rules and regulations in relation thereto; and all officers and members of said fire department of the village of Cortland shall become and be the officers and members of the fire department of the city of Cortland, and shall perform all the duties devolving upon them as such firemen, and have and retain all the rights and privileges in the same manner and in all respects as if this act had not been passed, subject, however, to the further provisions of this act. The ownership and control of all the property and effects pertaining to or connected with the fire department of said village shall, by virtue of this act, vest in the city of Cortland and in the fire department thereof, in the same manner and to the same extent in all respects as the same is now vested in said village and fire department.

§ 4. Division into wards; ward boundaries.—The said city shall be divided into six wards as follows:

First ward.—All that part of said city lying within the following boundaries, namely: Beginning at the northwest corner of said city and thence running east along the northern boundary of said city to the center of Homer avenue, thence south along the center of Homer avenue to its intersection with the center of North Main street, thence southeasterly along the center of North

Main street to Main street, thence south along the center of Main street to its intersection with the center of Maple avenue, thence west along the center of Maple avenue and the line thereof produced west in straight line to the west boundary of the city of Cortland, thence north to the place of beginning.

Second ward.—All that part of said city lying within the following boundaries, namely: Beginning at the southwest corner of the first ward and running thence east along the south boundary of said first ward to the center of Main street, thence south along the center of Main street to its intersection with the center of Tompkins street, and thence along the center of Tompkins street to the center of Sands street, running thence along the center of Richard street to the center of Davis avenue, thence north along the center of Davis avenue to Prospect street, thence west to the western boundary of said city, thence north to the place of beginning.

Third ward.—All that portion of the city lying west of Main street and not included in the first and second wards.

Fourth ward.—All that part of the city lying within the following boundaries, namely: Beginning at the intersection of the center of Homer avenue with the north boundary of the city, running thence east to the eastern boundary of the city, to wit, the center of Tioughnioga river, thence southerly along the center of said river to the west branch of the same, thence westerly along the west branch of Tioughnioga river to Clinton avenue thence along the center of Clinton avenue, to its intersection with Main street, thence northerly along the center of Main street northwesterly along the center of North Main street and north along the center of Homer avenue to the place of beginning.

Fifth ward.—All that part of the city lying within the following boundaries, namely: Beginning at the center of the intersection of Main street and Clinton avenue and running thence northeasterly along the center of Clinton avenue to the west branch of the Tioughnioga river, thence easterly along the center of said west branch of the Tioughnioga river to the eastern boundary of the city, thence southerly along the eastern boundary of the city to a point where the same is intersected by the center line of Railroad street produced easterly, thence west along such line and the center of Railroad street to Main street, thence north along the center of Main street to the place of beginning.

Sixth ward.—All that part of the city lying east of Main street and south of the center of Railroad street and the line thereof produced east to the east boundaries of the city.

§ 5. **Definitions.**—The official and fiscal year of the city shall commence with the first day of January in each year. The term streets, as used in this act, includes highways, avenues, alleys and lanes. The term resolution, as used in this act, includes all motions, orders, rules, regulations and by-laws other than ordinances. The word person, as used in this act, shall be construed to include all persons, firms, companies, corporations and associations.

TITLE II.

CITY OFFICERS; ELIGIBILITY, ELECTIONS, APPOINTMENTS, TERMS OF OFFICE, COMPENSATION, FILLING VACANCIES.

Section 10. City officers.

11. Eligibility to city offices; vacancy created by change of residence.
12. Elective city officers enumerated.
13. Appointive city officers enumerated; by whom appointed.
14. Compensation of city officers. *
15. Commencement and expiration of term of office.
16. City elections.
17. Canvass of votes at annual city election.
18. Official salaries, when payable; fees and perquisites.
19. Suspensions and removals of appointive city officers.
20. Filling vacancies.

Section 10. City officers.—The officers of the city shall be a mayor, a city judge, a chamberlain, a city clerk, a city attorney, a superintendent of public works, nine members of the board of education, a commissioner of charities, a city physician, a city engineer, a superintendent of schools, four fire and police commissioners, one chief of police, four patrolmen, two constables, five commissioners of public works, six members of the board of health, and so many commissioners of deeds as may be deemed necessary by the common council. The officers of the wards of said city shall be one alderman and one supervisor for each ward.

§ 11. **Eligibility to city offices.**—No person shall be elected or appointed to any city office, other than city engineer, superin-

tendent of public works or superintendent of schools, unless he shall at the time be a resident elector of said city, nor to any ward office unless he shall at the time be a resident elector of the ward for which he is elected or appointed. No person shall be elected city judge unless he shall have been, for at least one year previous to his election, duly admitted to practice as an attorney and counselor in the several courts of this state. Whenever any officer of said city, other than city engineer, shall cease to be a resident of said city, or of the district or ward for which he was elected or appointed, his office shall thereby become vacant. No person shall, at the same time, hold more than one city office in said city, other than a commissioner of deeds, who may also hold any other city office, except the office of mayor or city judge.

§ 12. Elective city officers enumerated:

1. Elective city officers.—The elective city officers to be elected by the city at large shall be a mayor, a city judge, a chamberlain, an assessor and two constables; the elective officers of the city to be elected by each ward shall be one alderman and one supervisor.

2. Term of elective officers.—Other than as provided by this act, the term of office of the mayor shall be two years, city judge two years, chamberlain two years, assessor two years, constables two years, of the alderman two years. The term of the office of the supervisor shall be the same as the term of the supervisor of a town.

§ 13. Appointive city officers enumerated; by whom appointed, their term of office and compensation: 1. The appointive officers of the city of Cortland shall be a city clerk, a city attorney, a city physician, a commissioner of charities, six members of the board of health, four fire and police commissioners, five commissioners of public works, two appointive assessors, one chief of police, and four patrolmen, so many commissioners of deeds as the common council may deem necessary, each of whom shall be appointed by the mayor, subject to the confirmation of the common council; nine members of the board of education and such other appointive officers as may be authorized by general laws, each of whom shall be appointed by the mayor. A city engineer and a superintendent of public works, each of whom shall be appointed by the board of public works

and a superintendent of schools who shall be appointed by the board of education.

2. *Term of office of appointive officers.*—The term of office of the city clerk one year, of the city attorney one year, of the commissioner of charities one year, of the superintendent of schools three years, of the superintendent of public works two years, of the city engineer two years, of each police and fire commissioner two years, of each commissioner of deeds two years, of each member of the board of health two years, of the physician two years, of the appointive assessors pursuant to the provisions of this act one year, of each of said other officers authorized and required by general laws, the time thereof specified in said laws.

§ 14. *Compensation of city officers.*—The mayor, aldermen, fire and police commissioners, members of the city board of health, the board of education and board of public works shall receive no compensation for their services. The annual salary for the city judge shall be twelve hundred dollars; the annual salary of the city chamberlain shall be nine hundred dollars; the annual salary of the city clerk shall be eight hundred dollars; the annual salary of the commissioner of charities shall be four hundred dollars; the annual salary of the city physician shall be three hundred dollars; the annual salary of the city assessor shall be three hundred dollars. The corporation counsel shall receive such compensation as shall be agreed upon by the common council, and the city engineer and the superintendent of public works shall receive such compensation as shall be determined by the board of public works. The chief of police shall receive a monthly salary of sixty-five dollars, the patrolmen, other than special policemen, a monthly salary of fifty-five dollars; the commissioners of deeds shall receive the compensation now provided by law to be received by them, the supervisors and constables, respectively, shall be entitled to the same compensation for their services as the corresponding officers in towns are entitled to receive for like services, the appointive assessors three dollars each per diem; the inspectors of election and such other officers as are authorized, to be appointed by general law. No other appointive officer of the city shall be entitled to receive from the city any compensation for his services unless otherwise provided by this act or by a general law.

§ 15. Commencement and expiration of term of office.—The term of office of each officer elected at a general city election shall, other than as herein provided, commence with the beginning of the next fiscal and official year after such election, namely, the first day of January following his election. The term of office of each officer appointed by the mayor or the mayor and the common council for a full term shall, other than as herein provided, commence on the first day of February of the year in which the appointment is required to be made. The term of office of the superintendent of public works and city engineer shall begin on the first of March of the year in which the appointment is required to be made. The office of superintendent of schools shall begin on the first day of August of the year in which the appointment is or is required to be made.

§ 16. City elections.—The common council shall provide polling places, ballot boxes and other necessary apparatus and material in each election district in said city for all elections in said city, and the manner of conducting such elections shall, in all respects, conform to and be governed by the general laws of this state in respect to elections, not inconsistent with this act. At each such election, other than as herein provided, a successor shall be elected to each elective city officer, whose term of office shall expire with the year in which such election is held. Public notice of every election under this act, other than as hereinafter provided, shall be given by the common council, the notice thereof to be published in the official newspapers of said city, at least once in each week for two consecutive weeks immediately preceding the holding of such election, which notice shall designate the officers to be voted for at such election and the location of each polling place, or by such notice and in such manner as may be required by the general election laws of the state. The polls of each general election and of each special election in said city at which one or more city officials are to be elected, shall be opened and kept open and closed in each district as provided by the general laws of the state for general elections, and the inspectors shall canvass all votes cast for city officers and declare and make a statement of the result in the same manner as required by the general laws of the state, and file the same immediately with the city clerk, other than as provided in this act. The city clerk shall at least one week before the date fixed by

law for the first meeting of the board of registry for a city election, notify each inspector of election, in writing, of his appointment as such inspector, and of each day for the meeting of the board of registry in each election district of the city and of the date of such election. Every inhabitant of said city who shall, at the time and place of offering his vote, be qualified to vote for member of assembly, shall then and there be entitled to vote for all officers to be elected by the city at large, and for all ward officers to be elected in his ward. To entitle any elector or voter to vote upon a proposition to raise money by tax or by bonds, he must be entitled to vote for a city officer and he or his wife must be the owner of property in the city assessed upon the last preceding assessment roll thereof. No elector of said city shall vote in any election district except that in which he shall reside at the time he offers his vote, and shall have so resided for at least thirty days immediately prior to the election at which he offers his vote. Each ward of the city shall constitute an election district until some further division be made pursuant to the general election law.

§ 17. Canvass of votes at regular city election.—The common council of said city shall meet as a board of city canvassers on the next Thursday after each regular city election. The city clerk shall present to the common council at said meeting, the certified statements of the result of such election in the several election districts of the city, as delivered to him by the inspectors of election of such districts. The common council shall canvass such certified statements and determine and declare, the whole number of votes cast for all the candidates for each office to be filled at such election, the number of votes cast for each such candidate and what person was elected thereto. The person having the greatest number of votes for the respective offices to be filled for the whole city, and those having the greatest number of votes for the offices to be filled by the several wards shall be declared duly elected. In case of a tie vote the mayor and common council shall fill such office by appointment for the full term. The city clerk shall enter such determinations and declarations in the minutes of the meeting of the common council.

§ 18. Official salaries, when payable; fees and perquisites.—The salaries of city officers shall be payable in such instalments

and at such times as the common council shall determine. The compensation fixed by the common council, or by law, for the several officers shall be in full for all services which they shall, respectively, perform for said city in any and all capacities, other than as herein provided. All fees and perquisites received by such officers shall, other than as especially provided by this act or in pursuance of general law, be paid into the treasury for the benefit of the general city fund.

§ 19. **Suspensions and removals of appointive city officers.**—The mayor, common council and each city board, having appointive powers, may remove any city officer appointed by them, for dishonesty, incapacity, neglect of duty, or other irregularities, giving such officers reasonable notice thereof and a reasonable opportunity to be heard, and such officer may be suspended pending such investigation.

§ 20. **Filling vacancies.**—Other than as provided in this act, if a vacancy shall occur in any elective office of the city, otherwise than by expiration of term, the mayor and common council shall appoint a person to fill such vacancy for the balance of the unexpired term. A vacancy occurring in an appointive office of the city, otherwise than by expiration of term, shall be filled for the balance of the unexpired term by the same authorities and in the same manner as an appointment for a full term.

TITLE III.

CITY OFFICERS, THEIR GENERAL POWERS AND DUTIES.

Section 30. Official oath required by all city officers.

31. Official bond of city officers.
32. Liability of city officers for unauthorized expenditures and other official misconduct.
33. When expenditures to be by contract to the lowest bidder.
34. City officers authorized to administer oaths and take affidavits and acknowledgments.
35. General powers and duties of the mayor.
36. General powers and duties of the city chamberlain.
37. General powers and duties of city judge.
38. General powers and duties of city clerk.
39. The city attorney.

Section 40. General power and duties of city engineer.

41. General power and duties of city superintendent of public works.
42. The aldermen.
43. The constables.
44. The assessor.
45. City physician.
46. Powers and duties of supervisors.
47. Powers and duties of other city officers.
48. Payments of money must be made from and into contingent fund when not otherwise provided.

Section 30. Official oath required of all city officers.—Each officer of the city shall, before he enters upon the duties of his office, take and file his official oath in accordance with article thirteen of the constitution and section ten of the public officers' law, and for omission so to do he shall be subject to all the liabilities and penalties prescribed by section forty-two of the penal code and sections thirteen, fifteen and twenty of the public officers' law. Each mayor, clerk, city judge and commissioner of deeds, shall, forthwith upon his election or appointment, file a certificate with the city clerk of his election or appointment to act, and also take and subscribe the constitutional oath of office before the clerk of the county of Cortland.

§ 31. **Official bond of city officers.**—Each city clerk, constable, city engineer, superintendent of public works, commissioner of charities and city judge shall, before he enters upon the duties of his office, execute and file an official bond in accordance with section sixteen of the statutory construction law and sections eleven, twelve and thirteen of the public officers' law, and for omission so to do shall be subject to the penalties and liabilities prescribed in section forty-two of the penal code, and sections thirteen, fifteen and twenty of the public officers' law; other than as herein provided, the penal sum named in any such bond, or the sum specified in any such undertaking as the maximum amount of liability thereon, shall be fixed by the common council.

§ 32. **Liability of city officers for unauthorized expenditures and other official misconduct.**—No officers of said city or other person shall have power or authority to make any purchase in behalf of, or on the credit of, the city or to contract any debts

or liabilities against the city, unless authorized so to do, by or in pursuance of the provisions of this act or general law; and no account, claim or demand of any kind shall be allowed or paid unless so authorized. If any officer of the city shall vote for any appropriation or for the payment or expenditures of any moneys, not authorized by or in pursuance of law, such officer shall be liable to a penalty of one hundred dollars, to be recovered by the city in a civil action and shall be guilty of a misdemeanor. If the common council or any city board shall pass any resolution authorizing or purporting to authorize any expenditure of money by the city for any purpose, exceeding the amount authorized by or in pursuance of law, to be expended in any year by the common council, each officer voting for such resolution shall be personally liable for the amount thereof, and each officer present in the meeting at the passage of the resolution shall be deemed as voting for the resolution unless his dissent thereto is entered upon the minutes, of the meeting at which such resolution was passed, but the city of Cortland shall not be liable therefor, and neither the common council nor any city board or city officer shall pay any debt or expenditure so contracted or made. If any officer of the city authorized to make any contract in his official capacity, or to take part in making any such contract, becomes voluntarily interested in such contract, he shall be liable to the penalty prescribed by section four hundred and seventy-three of the penal code. If any person, having been an officer of said city, whose term of office has expired shall not within five days after notification and request, deliver to his successor in office all property, papers and effects of every description in his possession or under his control belonging to the said city, or appertaining to such office, he shall be liable to a penalty of one hundred dollars, to be recovered by the city in a civil action, together with all damages caused by his neglect or refusal, and he may also be proceeded against, as provided in section two hundred and forty-seven of the code of civil procedure, and section fifty-seven of the penal code.

§ 33. When expenditures to be by contract to the lowest bidder.—Whenever any expenditures to be made or incurred by the common council or city board or any city officer in behalf of the city for work to be done, or materials or supplies to be fur-

nished, except ordinary repairing and macadamizing of streets, shall exceed two hundred dollars, the city clerk shall advertise for and receive proposals therefor, in such manner as the common council, or as the board or officer charged with making such contract shall prescribe, and the contract therefor shall be let to the lowest responsible bidder, who shall execute a bond to said city with one or more sureties, being freeholders, for the faithful performance of the contract. Each surety shall make an oath, in writing, that he is worth a sum double the contract price, over and above all debts and liabilities he owes or has incurred and exclusive of property exempt from execution, but where the contract exceeds two thousand five hundred dollars, the amount in which the surety is required to justify may be made up by the justification of two or more sureties, each in a smaller sum, but in that case a surety can not justify in a less sum than five thousand dollars; and, where two or more sureties are required to justify, the same person can not so contribute to make up the sum for more than one of them. When the lowest bid, in the opinion of the common council, board or officer charged with making the contract is too high, they shall, if the common council consent thereto by resolution, have the right to reject it, and may discontinue or abandon the work or may direct the clerk to advertise for new proposals, or with the consent of the common council, such work may be done without public letting. If, however, the estimated expenditure does not exceed five hundred dollars, the work may be done without a public letting, if the common council by resolution consent thereto.

§ 34. City officers authorized to administer oaths and take affidavits and acknowledgments.—Each mayor, clerk, city judge and commissioner of deeds of the city shall have the same power and authority to administer oaths and take and certify affidavits and acknowledgments as a justice of the peace of towns in the county of Cortland.

§ 35. General powers and duties of the mayor.—The mayor shall be the chief executive officer of the city and shall have and exercise all the powers conferred upon him by this act or by the general statutes of this state, not inconsistent with this act. It shall be his duty to see that the laws of this state and the ordinances and by-laws passed by the common council

are faithfully executed within the city. He shall sign, on behalf of the city, all contracts made by it, and cause the seal of the city to be affixed thereto. He shall be the presiding officer of the common council. He shall have power and authority to call out and command the police and firemen of the city whenever, in his discretion, he shall deem it necessary, and such command shall be in all respects obeyed. Whenever necessary for the prevention or suppression of public disturbances, mobs or riots, it shall be his duty to take such action as is authorized by chapters three and four of title two, part two of the code of criminal procedure, section one hundred and sixty-two of the military code, and section twenty-one of the general municipal law. It shall be his duty to exercise a constant supervision and control over the conduct of all city officers, and he shall have power and authority to examine, at all times, the books, vouchers and papers of any officer or employee of said city, and to take and hear testimony and proof in pursuance of section eight hundred and forty-two to eight hundred and sixty-nine of the code of civil procedure. He may designate from time to time, the place in said city where he will keep his office. It shall be the duty of the mayor to communicate to the common council as soon after his election as practicable, and as often thereafter as he may deem expedient, a general statement of the affairs of the city in relation to its finances, government and improvement, with such recommendations as he may deem proper. The mayor of said city, in addition to such powers as may by law and this act be conferred upon him, shall have full power:

a. To regulate the weighing of coal to be delivered to any purchaser or consumer in said city. For such purpose he shall annually designate public scales, not to exceed three, conveniently located in said city, properly tested each year; and load or part or load of coal, purchased by or intended to be delivered to any consumer in said city, shall be reweighed, on either of said scales, at the request and the expense of such purchaser or consumer, or of any citizen; such expense shall be at the rate of fifteen cents for each weighing.

b. Any load or part of a load of coal purchased by or intended to be delivered to any such consumer must have accompanying it a certificate, over the signature of the person weighing said

coal, stating the number of pounds avoirdupois contained in said load of coal, or in each of the several compartments into which said load is divided, which certificate must be delivered to the purchaser or consumer, or his agent, or some member of his family competent to receive it.

c. At the time of the delivery of said coal any purchaser or consumer or citizen may have the same reweighed on any scale so designated, and which has been tested within one year prior thereto, upon paying the expense for such reweighing; if the quantity of coal contained in any such load, or in any of the compartments into which said load is divided, is less than that mentioned in the certificate accompanying said coal, the person weighing or the person delivering the same shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed one hundred dollars, or by imprisonment not to exceed thirty days, or both.

d. Any person or persons delivering said coal who shall refuse to comply with the request of a purchaser, consumer, or citizen to have the same reweighed shall, upon conviction, be liable to a fine not to exceed ten dollars for each offense.

e. Any weigher of said coal who shall neglect or refuse to make, sign, and forward with said coal such certificate of its weight shall, upon conviction, be liable to a fine not to exceed twenty-five dollars for each offense.

§ 36. General powers and duties of the city chamberlain.—The city chamberlain shall be the fiscal officer of the city, and shall perform such duties incident to his office as the common council may require. He shall keep an office at such place as the common council shall provide and designate, which shall be kept open each day in the year, except Sundays and legal holidays, from nine o'clock in the forenoon until four o'clock in the afternoon, except between the hours of twelve and one, and at such other hours as the common council may, from time to time, direct. He shall keep separate accounts of the different funds of the city, and shall not pay out any money chargeable to any fund in excess of the amount standing on his books to the credit of such fund, and shall not knowingly pay money from any fund which is not properly chargeable thereto. The city chamberlain shall, before the first meeting of the common council in each month, file with the city clerk a report showing in detail the total expenditures and

receipts of city moneys during the next preceding calendar month, a summary statement of the receipts and expenditures of city moneys during that portion of the current fiscal year expiring with the last day of such preceding month, and the balance at the end of such month standing to the credit of each of the city funds. Such statement shall be in such form as shall be prescribed, from time to time, by the common council. An abstract of such report shall be published each month, at least once, in the official newspapers of the city, provided such there be. Before entering upon the duties of his office, and within fifteen days after he shall have received official notice of his election, the city chamberlain shall execute and file an official bond with two or more sureties or some solvent surety company, in such penal sum as may be fixed by the common council, not less, however, than double the amount of money estimated as likely to be received by him for all purposes during the fiscal year, in accordance with section sixteen of the statutory construction law and sections eleven, twelve and thirteen of the public officers' law; and for omission so to do, he shall be subject to the penalties and liabilities prescribed by section forty-two of the penal code, and sections thirteen, fifteen and twenty of the public officers' law. Such bond shall be approved by the common council, a certificate by the city clerk of such approval shall be endorsed thereon, and the bond so endorsed shall be filed and recorded in the clerk's office of the county of Cortland, in the same manner as the official bonds of town collectors, and such bond shall be a lien on all property of such chamberlain and of each of such sureties in the county of Cortland, until the conditions of such bond, together with all the costs and charges which may accrue upon the prosecution thereof, shall be fully satisfied, whereupon, the common council shall, by resolution, declare that such bond is satisfied and a copy of such resolution, duly certified by the city clerk, may be filed and recorded in the office of said county clerk and shall operate to discharge the same and the lien thereof from record. A true copy of such bond and certificate shall be filed in the city clerk's office. It shall be the duty of the chamberlain, personally to receive all state, county, city and local taxes and assessments which may be paid at such office, and to retain there, and not elsewhere, the possession of the warrants and assessment-rolls which may, from time to time, be delivered to him by the clerk

of the city. He shall enter, daily, in suitable books all sums of money received by him for taxes or otherwise, with the name of the person or corporation on whose account the same shall be paid, and shall at the expiration of each month exhibit the same in his office to the mayor and finance committee of the common council for inspection. He shall also enter in a column in the assessment-rolls in his possession, opposite the names of the persons or corporations who shall pay their taxes or assessments, the fact of payment, the amount thereof and the date when paid. He shall also keep a record of all persons, and their respective addresses, who may pay taxes for non-residents of said city, and the residence of such non-residents, so far as he can ascertain the same. The chamberlain shall be the custodian of all securities, obligations and other evidence of debt belonging to said city. He shall annually settle with the common council, and as much oftener as it may require, for all tax rolls and warrants issued to him, and for all moneys received or collected by him for school or other purposes and produce the proper vouchers of the board of education and other officers for all money paid upon the warrants, drafts or orders of said officers. At the time of the annual settlement and immediately preceding the expiration of his term of office, or within such time after the annual settlement as the common council may fix, he shall pay to his successor in office all such moneys remaining in his hands and deliver to such successor in office all assessment-rolls, books, papers and property, belonging to said city or pertaining to the affairs of the city in connection with the duties of his office.

§ 37. General powers and duties of city judge.—The city judge shall be the judge of the city court which shall have both civil and criminal jurisdiction. He shall possess all the jurisdiction, power and authority in both civil and criminal proceedings as are or may be vested in justices of the peace of a town, together with such other powers and duties as are conferred upon him by this act, and shall be entitled to the same fees in civil proceedings as such justices of the peace.

§ 38. General powers and duties of the city clerk.—The city clerk of said city shall be ex-officio clerk of the common council, of the board of public works, of the board of fire commissioners, board of health and registrar of vital statistics of the said city. He shall perform such other duties incident to his

office as may be required by the common council or by any such board. He shall keep the minutes of the meeting of the common council and of each board of which he is ex-officio clerk, and shall record in books to be kept for that purpose, all proceedings of the common council and of each such board, and index the same. He shall keep an office at such place as the common council shall provide and designate. He shall have charge, custody and control of the corporate seal, books, papers, documents and official minutes of the city, except as otherwise provided by or in pursuance of law. He shall keep a book, and alphabetically index and record therein all bonds of the city officers as well as all contractors' or other bonds running to the city or any of its officers, and note therein the date of filing each such bond. He shall, upon request and payment of the fees therefor, make certified copies of all records and documents in his possession or under his control, as such clerk, or ex-officio clerk, and may affix the corporate seal of the city to any such certificate, and such seal shall be deemed to be his official seal, and any such certified copy shall be evidence as provided in section nine hundred and thirty-three of the code of civil procedure. He shall be entitled to demand and receive fees for such certified copies, at the rate of ten cents per folio, from each person other than a city officer, upon whose request any such certified copy is made and delivered. He shall keep an accurate account of all fees and moneys received by him as such clerk or ex-officio clerk, other than his salary, including fees received by him as registrar of vital statistics, and shall, on or before the tenth day of each month, pay over all such fees and moneys received by him during the month immediately preceding, to the city chamberlain to the credit of the contingent fund, for which he shall take a receipt and file the same in his office. Such receipt shall, at all times, be subject to examination by the common council, or any member thereof. His office is hereby declared a town clerk's office, for the purpose of depositing and filing therein, all books and papers required by law to be filed in a town clerk's office and he shall possess all the powers and discharge all the duties of a town clerk not inconsistent with this act.

§ 39. The city attorney.—The city attorney shall be the sole official advisor of the common council, and all the boards and other officers of the city including the assessor. He shall when

directed by the common council prosecute and defend all actions and proceedings by and against the city and every department thereof, and perform such other professional services relating to said city as the mayor or common council may direct. He shall when required prepare all legal papers, contracts, deeds and other instruments for the city and the different departments thereof. The city attorney shall, at the expiration of his term of office, hand and deliver to his successor in office, as soon as qualified, the record or register of all suits or proceedings in which the city or any of its departments may be a party and also all papers on the part of the city therein, and also sign stipulations substituting said successor as attorney for the city to such suits or proceedings, to the end that a substitute order may be entered making such substitution. All costs in litigated cases, wherein the city is successful, shall belong to the city, and when collected shall be paid to the chamberlain and credited to and form a part of the general fund of the city. He shall receive such compensation for services actually rendered as may be approved by the common council.

§ 40. General powers and duties of city engineer.—He shall perform all of the city engineering required by the common council or board of public works and by the other departments and the other officers of the city. He shall make all preliminary surveys for the opening, making, constructing, paving, macadamizing, repairing, grading and establishing the grade of all streets, side and crosswalks, gutters, sewers, sewer inlets and the measurement of all work done on the same or on other public places in the city, and prepare plans, profiles and specifications therefor, when necessary, or when required by the board of public works, and shall perform such other duties as may, from time to time, be required by the common council. He shall have no power to contract any liability or debt on the part of the city, except as authorized by the common council or the board of public works. He shall keep in his office books and records of all surveys and maps of streets, avenues and lanes and the grade thereof, and sidewalks, water-mains, sewers, sewer inlets with location and grade thereof. Such books and records shall be properly indexed, and shall be the property of the city, and transmitted with all other matters pertaining to his office to his successor. He shall receive such compensation for services ren-

dered as may be approved by common council and board of public works in joint session.

§ 41. **General powers and duties of city superintendent of public works.**—The superintendent of public works shall under the direction of the board of public works have the general supervision and direction of all public works within the jurisdiction of the board. He shall at each regular meeting of the board of public works present thereto a pay-roll in such a form as the board of public works may prescribe, verified by his oath, setting forth the work done for the city under his charge since the last pay-roll, and specifying the name of each person employed thereon; the time he labored, his wages, number of days and the amount due him. Said pay-rolls when audited shall be audited and paid from the proper fund of said city, on account of which said work shall be performed or said expenses incurred.

§ 42. **The aldermen.**—It shall be the duty of every alderman, to attend the regular and special meetings of the common council; to act upon committees when thereunto appointed by the mayor or common council; to arrest or cause to be arrested all persons violating the laws of this state, or ordinances, by-laws or police regulations of the city when such violations are committed in his presence; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to aid in maintaining peace and good order in the city, and to perform or assist in performing all such duties as are by this act enjoined upon the aldermen of said city separately or upon the common council thereof. The aldermen of each ward shall be fence viewers, and shall possess all the powers and authority, in respect to division fences or walls in their ward which are given by law to fence viewers of towns with respect to division fences and shall be entitled to receive the same fees as fence viewers of towns.

§ 43. **The constables.**—The constables of said city shall have the same powers, duties and jurisdiction, and be subject to the same liabilities as if the city of Cortland were a town in the county of Cortland and they were constables thereof, except that they shall not execute any criminal process, or exercise any authority or power, in any criminal actions or proceedings, or special proceedings of a criminal nature for or on account of any offense committed or charged to have been committed within said city.

§ 44. **The city assessor.**—The city assessor shall perform all the duties required of him by this act in relation to the assessment of property in said city as well for the purpose of imposing taxes levied by the board of supervisors of Cortland county as those levied by the common council of said city and to that end he shall perform all the duties and possess all the powers and authority of town assessors, except as modified by this act.

§ 45. **City physician and health officer.**—It shall be the duty of the city physician, under the direction of the commissioner of charities, to visit at their place of abode such of the poor of the city as may be ill and give medical attention and care, and cause to be supplied such medicines for the same as their condition shall require. All medicine furnished upon his order or the order of the commissioner of charities, shall be audited and paid from the poor fund of the city.

§ 46. **Powers and duties of supervisors.**—The supervisors of the city of Cortland shall have the same powers and duties as supervisors in the towns of Cortland county, and shall be members of the board of supervisors of the county of Cortland. They shall receive the same compensation allowed by law, in the same manner as supervisors of towns, except fees for copying assessment-rolls and extending taxes, which last mentioned fees shall be paid to the city clerk for the use of the city. The supervisors elected, appointed or qualified under this act shall be recognized by the board of supervisors of Cortland county and be allowed to take their seats as members of said board and participate in all the deliberations and proceedings of said board during their term of office, and each of the wards of said city shall at all times be entitled to the same representation as the towns of Cortland county. Other than as provided by this act their term of office shall begin on the first day of January next after their election. They shall also discharge all other duties imposed upon them by this act. Each of said wards of said city shall be regarded as a town of Cortland county for the purpose specified in title three, chapter ten, article second of the code of civil procedure respecting the selection, drawing and procuring the allowance of trial jurors. The supervisors of each ward respectively and the city clerk and assessor of said city shall perform in said ward the duties prescribed in said article. A duplicate of each list of jurors selected by them respectively

shall be filed in the office of the clerk of said city, which shall be deemed a town clerk's office for that purpose. The supervisors and the clerk and assessor of said city shall meet in the clerk's office at the time provided by law, and proceed to discharge the duties imposed upon them by the code of civil procedure as aforesaid, and by this act; and the list made by them, each supervisor acting for the ward only in which he was elected, shall constitute the list of persons to serve as trial jurors for the ensuing three years. The supervisors elected under this act and the clerk and assessors of said city shall meet every third year thereafter for the same purpose and make and file lists so required of them.

§ 47. Powers and duties of other city officers.—The powers and duties of all other city officers shall be such as are hereafter prescribed in this act, or when not so prescribed, as provided by existing general laws applicable to such officers.

§ 48. Payments of money must be made from and into the general fund when not otherwise provided.—Other than as herein provided, all moneys belonging to said city shall be paid to the chamberlain thereof and deposited to the credit of the general city fund; and all payment of money made by said city or by any board or office* thereof, when authorized by or in pursuance of law, and the fund from which such payment is not otherwise designated, shall be made from the general city fund, but nothing in this act shall be construed as limiting, modifying or repealing any provision of any general law.

TITLE IV.

THE COMMON COUNCIL.

Section 50. Organization and procedure of the common council.

51. Mayor's approval or veto.
52. Time of taking effect of resolutions and ordinances.
53. Maximum amount of annual city tax levy.
54. Annual estimates and reports by boards and officers.
55. Financial reports.
56. Subdivision of funds.
57. General legislative powers.
58. Improvements and removal of nuisances at expense of owners.

*So in the original.

Section 59. Control of finances; and property; ordinances, rules and regulations of the common council.

60. Violation of ordinances.

61. Licensing occupations.

62. Change of ward boundaries.

63. Official newspapers.

64. Officers not to be interested in contracts or purchases.

65. Rules and regulations for transaction of city business.

Section 50. Organization and procedure of the common council.

—The mayor and aldermen of said city shall constitute the common council thereof. At all meetings of the common council each alderman present shall have one vote. At the first meeting of the common council in each official year or as soon thereafter as practicable, the common council shall choose one of the aldermen to be temporary president, who shall during such official year, be the presiding officer of the common council in the absence of the mayor, and while the mayor is absent from the city or unable to perform his duties, said presiding officer shall be acting mayor, and have all the powers and duties, and be subject to all the obligations and liabilities of the mayor. The acting mayor of the common council shall not lose his vote as alderman by reason of his acting as presiding officer of the common council at any time, but when he shall vote as an alderman, he shall have no casting vote on a tie. The common council shall hold regular or stated meetings on the first and third Tuesday evenings in each month in the common council rooms, and at such other times as they shall by resolution designate. The mayor, or in his absence, the acting mayor, or any three aldermen may call special meetings by notice in writing, served personally upon the other members of the council, or left at their usual place of abode. The common council shall determine the rules of its own proceedings. The attendance of absent members may be compelled by the common council, or by a meeting thereof, at which less than a quorum is present, by the entry of a resolution and order in the minutes, directing the chief of police or any police officer of the city to arrest such absent member and fetch him before the common council at the meeting at which

such member was absent or the next, or some subsequent meeting of the common council, to answer for his neglect. A majority of the common council, including the mayor as a member thereof, shall be a quorum for the transaction of business, but a smaller number may adjourn from time to time. A majority of the aldermen present and voting at any meeting of the common council at which a quorum shall be present shall be sufficient to pass any resolution or ordinance, except that no resolution authorizing or involving the expenditure of money or collection of money by a tax or assessment shall pass unless it receive the assent of a majority of all the aldermen in the office, and other than as provided in this act. The ayes and noes shall be called and recorded on all resolutions and appointments. All meetings of the common council shall be public, except when the public interests require secrecy; but no vote shall be taken in secret or executive session.

§ 51. **Mayor's approval or veto.**—Every resolution or ordinance of the common council, except rules for its own government and resolutions for the appointment of officers, shall, before it takes effect, be presented, duly certified by the clerk, to the mayor. If the mayor approve thereof, he shall sign it within ten days after receipt thereof by him and file it so signed with the city clerk. If the mayor does not approve it, he shall, within ten days after receipt thereof by him, return it to the city clerk with his objections thereto in writing, and a statement that he does not approve thereof, and it shall have no force or effect unless the common council shall thereafter reconsider it and pass it over the mayor's veto by the concurring vote of at least two-thirds of the total number of aldermen in office, which vote shall be taken by ayes and noes, and entered on the minutes, together with the objections of the mayor. If any such resolution or ordinance so presented to the mayor shall not be returned by him to the city clerk within ten days after the receipt thereof by the mayor, it shall, at the expiration of such ten days, have the same force and effect as if it had been approved by him and filed with the city clerk. If any such resolution contained one or more items appropriating money, the mayor may sign it with a written statement appended thereto, that he objects to one or more of such items, and each item so objected to shall have no force or effect unless such items be reconsid-

ered separately by the common council and passed over the mayor's veto in the same manner as a resolution wholly vetoed. Except rules for the government of the common council and appointments to office, no resolution or ordinance of the common council shall have any force or effect or be deemed to have been enacted by the common council, unless either it be approved by the mayor or be not returned by the mayor to the city clerk within ten days after the receipt thereof by him, or unless it be passed over the mayor's veto in pursuance of the provisions of this section.

§ 52. Time of taking effect of resolutions and ordinances.—Any resolutions or ordinances enacted by the common council may specify the time when it shall take effect, but no ordinances shall take effect until after its publication at least once in the official newspapers of the city, provided such there be, notwithstanding the specifications therein of a previous time for its taking effect. If no time be specified in any ordinance so enacted for its taking effect, it shall take effect immediately, except if there be official newspapers of the city at the time it shall take effect only after its publication once in such official newspapers. If no time be specified in any such resolution for its taking effect, or if it specify that it take effect immediately, it shall take effect on its approval by the mayor, if he approves it; or, if he fails to return it to the clerk within ten days after the receipt thereof by him, it shall take effect on the eleventh day after such receipt thereof by the mayor; or, if he returns it with his disapproval and it be passed over his veto, it shall take effect at the time of its passage over his veto.

§ 53. Maximum amount of annual city tax levy.—The common council may raise by tax upon the real and personal property assessable in the city in each year certain amounts, which shall be estimated and designated each year for the following purposes:

1. For the payment of the expenses of the police department, including the salary of the city judge and the salaries of the officers of said department, to be designated the police fund.

2. For paving, repairing and keeping in order the streets, crosswalks, gutters, lanes, public places and grounds of said city, for defraying the expenses of constructing, repairing and keeping in order the sewers, for the service of city engineer, the

superintendent of public works and his assistants and employees, the erection and maintenance of bridges and culverts and other expenses relating to streets and highways, to be designated the public works fund.

3. A sum necessary for defraying the expenses of supplying and keeping in good condition and repair the engine houses, hose carts, hook and ladder carts, fire alarm telegraph and other apparatus deemed necessary for the extinguishment of fires, and for paying the salaries and wages of officers and employees of the fire department, to be designated the fire fund.

4. A sum necessary for the payment of the expenses of department of charities, including the salary of the commissioner of charities, to be designated the poor fund.

5. A sum necessary for the purposes and uses of the board of education, to be designated the school fund.

6. A sum necessary for the lighting of the streets and public buildings of the city and expenses of maintaining all necessary apparatus and fixtures connected therewith, to be designated the lighting fund.

7. A sum necessary for supplying water to the public buildings of the city and water for the extinguishment of fire, to be designated the water fund.

8. A sum necessary for defraying general and contingent expenses, for the payment of all salaries and other expenses not otherwise provided for, to be designated as the general city fund. The aggregate for the annual tax levy for all purposes in this section above provided shall not exceed the rate of one per centum of the assessed valuation of the real and personal property liable to taxation in said city, as the same shall appear from the assessment-roll of said city for the current year. In addition to the amounts which shall be included in the annual tax levy for the foregoing purposes, there shall be included such amount as shall be necessary to meet the principal and the interest on the bonded and other indebtedness of the city falling due during the fiscal year for which the tax is levied, and to meet all indebtedness remaining unpaid on all judgments against the city; and such further sums as shall have been voted at a regular city election, or at a special city election called for the purpose, and also for such other sums as the common council is authorized to expend for purposes specified in this act.

§ 54. Annual report and estimates by boards and officers.— Between the first and fifteenth days of October in each year the board of public works, the board of fire commissioners, the board of police commissioners, the board of health, the commissioner of charities, and the board of education shall estimate in detail the expenses and income of their respective departments for the next fiscal year and shall certify such estimates to the common council. The police board shall also include in its report an estimate of the amount which will probably be paid into the city treasury during the next fiscal year from excise taxes. The city judge shall present an estimate of the amount of fines and penalties that, in his judgment, will probably be received by the city judge during the next fiscal year. The city clerk shall also make a detailed statement by items of all the expenses of the city as estimated by it for the next fiscal year. The city clerk in his report shall also make a statement in detail of all judgments against the city then remaining, and an itemized statement of the principal and interest of all bonded and other indebtedness of the city that will fall due during the next fiscal year. The chamberlain shall present a statement to said common council of all unpaid taxes and local assessments theretofore assessed and remaining unpaid. The city chamberlain in his report shall also make a statement in detail of the amount of unpaid taxes and local assessments theretofore assessed and remaining unpaid and the amount which, in his judgment, will probably be received by the city therefrom during the next fiscal year; all expenditures made or incurred by the city and chargeable to the property owners or other persons and remaining unpaid and the amount which, in his judgment, will probably be received by the city during the next fiscal year. The common council shall cause such estimates and statements to be published in the official newspapers of the city during the next week preceding its last regular meeting in the month of October. At that meeting or at any meeting to which an adjournment may be had, not later than the fifteenth day of the month of December next following, it shall revise such estimates, except that of the board of education, and determine the entire amount necessary to be raised to defray the expenses of the city for the ensuing fiscal year. Said common council may by a vote of two-thirds of its members approve or reduce but shall not increase any of

its estimates of the various boards aforesaid, and shall immediately levy the aggregate amount taxed, ascertained and determined together with any special tax which shall have been voted to be raised with the annual tax levy.

§ 55. **Financial reports.**—Each of the officers and boards specified in the last section otherwise than as provided in this act, shall, at the close of the fiscal year, make a written report to the common council of all expenditures made or incurred by said officers or said board during such year, showing separately and by items the amount expended from each fund which may be drawn on by such board, and the balance standing to the credit of each such fund. All officers and boards receiving any money, other than that raised by taxation, shall, in such report make an itemized statement of the same received by them, specifying the date of such receipt, the amount thereof, and the person by whom the same was paid.

§ 56. **Subdivision of funds.**—The common council shall subdivide the funds of the city, as established by this act, and the city chamberlain shall re-state his accounts of the funds so subdivided accordingly.

§ 57. **The general legislative powers.**—The general legislative powers of said city for all proper municipal purposes, except such power as may be vested in other city boards or officers, shall be vested in the common council. The common council shall furnish the officers of the city with necessary office room, office furniture, books and stationery; shall keep in proper repair the public buildings of the city; may authorize any city officer to inspect any place or places to ascertain whether the same are in safe condition, and if not, may require the same to be made so; may require any officer of the city to furnish reports, information or estimates whenever deemed proper by the council; may employ a pound keeper, a sealer of weights and measures, and such other employees of the city as may be necessary to execute the work which the common council is authorized and required to cause to be executed, and may fix their compensation.

§ 58. **Improvements and removal of nuisances at expense of owner.**—The common council shall have power to compel the owner or occupant of any building or wall which it may deem to be in a dangerous or unsafe condition by reason or on account of fire or otherwise to render the same safe or to take down and

remove the same, and in case of his neglect so to do, to cause it to be taken down or removed at the expense of the owner or occupant; to direct the owner or owners of any building used for public entertainments or other public purposes to provide the same with suitable and sufficient fire escapes, in the manner provided by the common council, and in case of the failure or neglect of such owner so to do, to cause such work to be done at the expense of the owner; to authorize any city officer or any person designated by the common council to inspect any place or places to ascertain whether the same are in a safe condition, and if not, to require the same to be made safe, and if the owner thereof shall neglect or refuse so to do, to cause the same to be made safe at the expense of the owner.

§ 59. Control of finances and property; ordinances, rules and regulations of the common council.—The common council shall exercise all the corporate powers conferred by this act and, other than as provided by law or this act, shall have the management and control of the finances and of all the property, real and personal, belonging to said corporation, other than as provided in this act, and shall have power, within said city to make, establish, publish and modify, annul and repeal ordinances, rules, regulations and by-laws for any of the purposes heretofore specified in this act and for the following additional purposes:

1. To prevent vice and immorality, to preserve peace and good order, to prevent and quell riots and disorderly assemblages.

2. To prohibit all exhibitions of any natural or artificial curiosities, caravans, circuses, theatrical and other shows or exhibitions or performances for money, within the bounds of the city, or, if the common council shall deem it advisable to license the same, upon such terms as the common council may direct.

3. To suppress disorderly houses, houses of ill-fame, gambling, gaming tables and all instruments and devices employed in gaming; to regulate or restrain pool and billiard playing by minors in public places, and the playing of games of chance by minors in public places; to restrain and punish street beggars, vagrants and mendicants; to regulate and restrain all occupants and business noxious to public comfort.

4. To determine the existence, and direct the removal of a public nuisance in any part of the city; and if the same be not removed within such time as the common council shall direct, to

cause the same to be removed at the expense of the city, and to declare such expense to be a lien on the lot, and to enforce the collection thereof by leasing or selling the premises, in the manner provided in this act for the collection of taxes or assessments, or by action against the owners of the lot, or any other person who may have erected, suffered, or maintained such nuisance; and in case of the non-removal or abatement of any nuisance, the common council may impose a penalty therefor and enforce the collection thereof, as prescribed by this act.

5. To direct the location of all houses for storing gun-powder and other combustibles and explosive substances, and to regulate the keeping, selling and conveyance thereof, and the use of candles and lights in barns, stables and out-buildings.

6. To prevent horse-racing, immoderate driving in the streets of said city, to prohibit and punish the flying of kites, and every other game, practice and amusement, in the public streets or elsewhere, having a tendency to frighten teams and horses, or to injure or annoy persons passing in or along the highways of the city, or to endanger property.

7. To prevent or regulate coasting or bicycle riding in the city.

8. To establish and build and regulate public pounds, station-houses and lock-ups within said city.

9. To restrain the running at large of cattle, horses, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and costs of keeping and proceedings.

10. To prevent or regulate the ringing and tolling of bells, except those of railroad cars and engines; blowing of horns, or crying of goods or wares, firing of guns, powder, or other explosive compounds, and the making of any improper noise which may tend to disturb the peace of the city, and the sale of fire-crackers, rockets, squibs, or other explosive compounds.

11. To make regulations for taxing and confining dogs, and for destroying such as may be found running at large contrary to any ordinance.

12. To direct the keeping and returning of bills of mortality.

13. To contract with any water company for supply of water for said city, and regulate and keep in repair the public fountains in said city, and to regulate the taking and using water for the same; to regulate and keep in repair the engines, hose carts,

hose, and hook and ladders, belonging to said city, and the public buildings of said city.

14. To regulate and restrain hawking and peddling in the streets, and to regulate the time, mode, manner and place of holding auctions or public sales of merchandise, and all personal property, and to prohibit such sales on any of the sidewalks or crosswalks of the city, or the streets of the same; to license sales at auction, in said city, of goods or property belonging to persons not residents of said city, or which goods shall have been purchased with intent to sell the same at auction, and to prevent such sales without license, and to require the payment to the city of such sums for such licenses as shall be provided for, not exceeding twenty-five dollars per day for each day upon which sales shall be had.

15. To regulate the sale of fresh meats, fruit, poultry, butter, cheese, eggs, honey, vegetables, fish and other articles usually disposed of from farmers' wagons, and the fees for marketing privileges.

16. To license and regulate cabmen, porters, cartmen, hackmen, the drivers of hackney carriages, stages or omnibuses for the transportation of passengers within the city, to fix their rates of compensation, and to require them to have licenses.

17. To regulate the speed of running of trains of cars in the compactly inhabited portions of said city, and for one mile from the depot in said city, and to regulate runners, stage drivers and others, in soliciting passengers and others to travel or ride in any stage, omnibus or go to any hotel, or otherwise.

18. To compel, direct and regulate the planting of shade trees and ornamental trees along the streets and sidewalks of said city, and to prevent the injury or destruction of such trees; and to prevent the injury or defacement of fences, posts and buildings in said city.

19. To permit building material to be deposited on the street in front of any lot, to such extent and for such time as it may prescribe.

20. To ascertain the boundaries of the city and of all streets, alleys and highways therein, to give names to streets, and numbers to lots and tenements, and to change the same in its discretion. All expenses incurred by virtue of this section shall be levied and collected from all the property embraced within the

corporation tax district at the same time, and in the same manner as other general city taxes are levied and raised.

21. To designate such portion of said city as it may deem proper within which no building in whole of wood or other combustible material shall be erected.

22. To prescribe or define such powers and duties of officers of said city as are not specified in this act and are not inconsistent therewith.

23. To call special meetings of the inhabitants of said city whenever in its judgment the public interests require the same, and to carry into effect all lawful resolutions adopted at any of said meetings or at any regular or special elections.

24. The common council may, at any time, issue bonds for the payment of a judgment that heretofore has been recovered against the village of Cortland, or that may be recovered against the city after its creation. The issuance of such bonds shall in all respects be subject to the same conditions and limitations as are the issuance of other city bonds elsewhere provided for in this act.

25. Whenever the common council shall resolve by the affirmative vote of two-thirds of its members that an extraordinary expenditure ought, for the benefit of the city, to be made for any specific purpose set forth in the resolution, it shall make an estimate of the sum necessary therefor and for all such purposes, if there be more than one, and publish such resolution and estimate for at least three times, once in each week, in the official newspapers, together with a notice that at a time and place therein specified a special election of the taxpayers of the city will be held to decide whether the amount of such expenditure shall be raised by tax. All provisions of law prescribing the duties of inspectors of election and their powers with reference to preserving order at elections and false swearing and fraudulent voting thereat shall, so far as applicable, apply to the special elections held hereunder. Every taxpayer, who shall have been assessed and taxed upon the last assessment-roll of the city before said special election, and no other person, shall be entitled to vote at such election. The election shall be by ballot, and each ballot shall contain a brief statement of each purpose for which such expenditure is required and the amount thereof, and be in the form required by the elec-

tion law for voting upon questions submitted. The inspectors shall, at the time and place designated as aforesaid, sit without intermission, from nine o'clock in the morning until four o'clock in the afternoon, to receive the ballots cast at such special election, and shall deposit the same in a suitable ballot box to be provided by the city. If the right to vote of any person offering to vote at such special election be challenged by any other person entitled to vote thereat, an inspector of the election shall administer to him the following oath: "You do swear that you are a taxpayer of the city of Cortland and that you have not voted at this election?" After he shall take such oath and if he shall be assessed upon the assessment-roll aforesaid, his vote shall be received. The inspectors shall canvass the votes received immediately after closing the polls, and immediately make a certificate, signed by them or two of them, stating the whole number of ballots voted at such election, the whole number for each special tax, and the whole number against each special tax, and deliver the same forthwith to the city clerk. The city clerk shall deliver the same to the common council at its next meeting, and it shall cause the result of the said election thus certified to be entered in the minutes. If the sum or sums of money thus appropriated shall, with the other annual city taxes, be not in excess of one per centum of the assessed valuation of the real and personal property of the said city, the common council shall cause the sum or sums of money thus voted to be assessed, levied and raised with and in addition to other taxes in and upon the next assessment-roll. But if the sum or sums of money thus voted shall, with the other annual city taxes, be in excess of one per centum of the assessed valuation of the real and personal property of said city, the common council shall issue bonds or other evidence of indebtedness in such form as it may prescribe for the whole amount so voted or any part thereof, at an annual rate of interest not exceeding four per centum and shall sell such bonds in such manner, as it may decree best, at not less than par value, and shall provide for the payment of such bonds in such sums and at such times as it may deem for the best interests of the city. No more than one such election in the city shall be held in any one year, except by the unanimous vote of the common council. After such special tax or taxes shall have been authorized as herein provided, the common council may proceed

to authorize the expenditure of the amount thereof for the purpose or purposes specified in its published statement aforesaid and sanctioned by such election. The common council may borrow, if necessary, the amount so voted in anticipation of the collection of said tax, and the amount so raised or borrowed shall be expended only for the purpose or purposes for which the special tax was voted, and shall be repaid within one year from the proceeds of the tax.

§ 60. Violation of ordinances.—Any ordinance enacted by the common council may provide that any person violating such ordinance shall be guilty of a misdemeanor or of disorderly conduct or shall be liable to pay to the city a sum therein named as a penalty not exceeding one hundred dollars, to be recovered in a civil action. If no provision be made in any ordinances as to the effect of a violation thereof, every violation thereof shall be a misdemeanor. If violation of any such ordinance be made a misdemeanor or disorderly conduct by or in pursuance of this act and be also made a misdemeanor or disorderly conduct by any other law, but one conviction shall be had on account of such conduct. If the violation of any ordinance constitute either a misdemeanor or disorderly conduct, and also render a person violating such ordinance liable to a penalty in a civil action, the conviction of either disorderly conduct or misdemeanor on account of such conduct shall be a bar to the recovery of the penalty in the civil action, and the recovery and payment of a judgment for the penalty in a civil action shall be a bar in the prosecution for either the misdemeanor or the disorderly conduct on account of such violation. If the conduct shall constitute a violation of an ordinance enacted by the common council of the city in pursuance of this act and also a violation of an ordinance of the board of health of the city enacted in pursuance of law, such ordinance of the board of health shall so long as it remains in force and effect supersede and nullify such ordinance of the common council. The city may maintain an action to restrain by injunction a violation of any ordinance of the common council or board of health, notwithstanding that such ordinance may provide a penalty for such violation.

§ 61. Licensing occupations.—If an ordinance of the city prohibit the carrying on of any occupation without a license therefor, the common council may fix the fee for such license or may

prescribe the minimum and maximum limits to the fee which may be charged therefor in the discretion of the mayor. All applications for such licenses shall be made to the mayor. The mayor may grant or refuse any such license in his discretion. If the mayor determine to grant such license, he shall issue an order to the city clerk to issue such license upon the production of a receipt from the city chamberlain for the amount specified in such order and receipt, and he shall issue such license accordingly. The city chamberlain shall credit all fees so received by him to the general city fund. The clerk shall keep in his office a record of each license, the person to whom issued and the fee paid therefor.

§ 62. Change of ward boundaries.—The common council shall have power by resolution, passed by a majority vote of its members, to change at any time the boundaries of the several wards of the city, but not to increase the number of wards; but such resolution shall be published in the official city newspapers for two successive weeks after its passage.

§ 63. Official newspaper.—The common council shall, at its first meeting in each official year, or as soon thereafter as practicable, fix and determine the legal fee per folio or otherwise, at which all minutes of meetings, notices, by-laws, rules, ordinances and regulations and such reports and other matters as the common council may direct, to be published in the official newspapers of the city, and thereupon shall designate two newspapers published in said city that fairly represent the two principal political parties into which the people of the city are divided, in which papers all such matters as aforesaid specified shall be published at the fees so prescribed. The newspapers so designated shall be the official newspapers of the city for the ensuing official year for the purposes aforesaid and until the next annual designation, provided said newspapers shall agree, with said common council, to make the aforesaid publications at the fees prescribed by the common council. The common council shall, except when the public interests require secrecy, cause the minutes of all its regular and special meetings to be published in the official papers of the city. The affidavit of the publisher or proprietor of an official newspaper, or of the bookkeeper or

foreman in charge of the publication of said newspaper, shall be presumptive evidence of the fact of such publication.

§ 64. Officers not to be interested in contracts or purchases.— It shall not be lawful for the mayor, or any member of the common council, or any member of any of the municipal boards of said city or any superintendent, or any clerk, agent or employee of said city, employed by any of the municipal boards therein (beyond the compensation which such superintendent or clerk, agent or employee may be justly entitled to for services by him actually rendered) to be voluntarily interested, directly or indirectly, in any contract or work made, or done by, for or on behalf of said city, or any municipal board therein; nor shall any such person be voluntarily interested, directly or indirectly, in the purchase or sale of any merchandise, material, substance, supplies or requirements, for any of the uses or purposes of said city, nor shall any such person receive therefrom or thereon or in consideration or in consequence thereof, any commissions, divisions, discounts, gift or moiety. It shall not be lawful for any of the municipal boards of said city to audit any account or issue any warrant for the payment of any claim for services rendered, or for work, labor or materials furnished by any person during the time such person shall have held the office of mayor, alderman, or member of any of the municipal boards of said city. A violation of any of the provisions of this section is hereby declared to be a misdemeanor.

§ 65. Rules and regulations for transaction of city business.— The common council shall have power to make such rules, regulations and adopt such methods for the convenient transaction of the business of the city by the several boards, departments and officers thereof, not inconsistent with the duties and powers given such boards, departments and officers by this act and general laws.

TITLE V.

DEPARTMENT OF PUBLIC WORKS, LOCAL IMPROVEMENTS, STREETS, HIGHWAYS, CONSTRUCTION OF SEWERS, PAVING OF STREETS AND CONSTRUCTION OF SIDEWALKS.

Section 70. Organization.

71. Continuance of sewer board as board of public works.

72. Powers and duties of board.

Section 73. Duties of superintendent of public works.

74. Opening, altering and extending streets, assessment of benefits and payment.
75. To acquire privileges to dispose of stagnant or surface water.
76. Rights for construction and maintenance of sewers.
77. Paving, repaving or macadamizing.
78. Establishing of grade, et cetera.
79. Change of grade of streets, et cetera.
80. Sidewalks, construction and repair thereof; assessment of expenses, et cetera.
81. Cleaning sidewalks and gutters of snow and ice.
82. Street cleaning and repairing.
83. Work may be done by contract.
84. Guardian ad litem for infant defendants.
85. County court always open.
86. Taxes and assessments under this title, lien of.

Section 70. Organization.—The members of the board of public works appointed as hereinbefore provided shall constitute the board of public works. They shall within the first week of February in each year organize by the election of one of their members as president for the ensuing year. At any meeting of board four shall constitute a quorum.

§ 71. Continuance of sewer board as board of public works.—The members of the board of sewer commissioners of the village of Cortland are hereby continued as members of the board of public works in the city of Cortland, and shall hold their office as members of said board of public works of said city for the term of office to which they were appointed as members of the sewer board of the village of Cortland, and until their successors shall be appointed in the manner and for the term of office specified elsewhere in this act.

§ 72. Powers and duties of board.—The board of public works shall be commissioners of highways in and for the said city, and shall have all the powers and perform all the duties of commissioner of highways in towns, other than as provided in this act. The said board is vested with the charge, management, control and maintenance of all bridges, streets, sidewalks, public places and public squares within the city, of the sewers and

of all buildings and structures appurtenant thereto, and of all machinery, tools, appliances and materials used in construction therewith. The board of public works shall have power,

1. To appoint an engineer and superintendent of public works, which engineer and superintendent shall be responsible to the board of public works.

2. To employ all servants, including clerks and laborers, and fix the compensation of all servants so employed by them.

3. To make rules and regulations for its own government and for the government of the superintendent of public works, city engineer and all servants of the board of public works and prescribe their duties.

4. To make all contracts relating to construction, paving and repairs of the streets and sidewalks, public places and public squares, parks and sewers, and the cleaning of the streets, sprinkling, and the removal of dirt therefrom, the grading, paving and repaving and macadamizing and remacadamizing of all streets, public places and public squares, and laying and extending of sewers and the provision of all materials, machinery, implements and utensils necessary therefor.

5. To lay out, make, open, grade, level, regulate, pave, macadamize, plank, gravel, clean, repair and improve, highways, streets, lanes, alleys, public grounds, parks, sidewalks, sewers, gutters, drains, aqueducts, reservoirs, crosswalks, and alter, amend, widen, straighten and discontinue the same and to establish grades and levels therefor, and alter the same through any lands, buildings or inclosures in said city.

6. To cause to be made all necessary surveys, maps, and profiles relating to any work within its jurisdiction.

§ 73. Duties of superintendent of public works.—He shall be the executive officer of the board of public works, and shall, under its direction, have the general supervision and direction of all public works within the jurisdiction of the board. He shall have the supervision and direction of laying all sewer pipes and conduits from private dwellings or other places and shall have the supervision and direction of laying any connecting or lateral pipes and keeping the same in repair; and the expense of laying such connecting lateral pipe or conduit shall be paid by the owner or occupant of the property. Such connecting or lateral pipe or conduit shall not be laid and connected until a permit there-

enter upon any lands or grounds in the city and appropriate such property for the purpose of conveying off any stagnant or surface water within and throughout the city, and thereafter said board of public works may purchase from the owner or owners thereof the land or right or easement, whenever deemed necessary and make him or them such compensation as it shall judge reasonable and just upon receiving from such owner or owners a conveyance thereof to the city. In case the said board are unable to agree with the owner or owners for the purchase of any real estate or land or right or easement required therein for the purpose aforesaid, it shall acquire the same by condemnation proceedings under the provisions of the condemnation law of the state, proceeding in the same manner as obtaining lands for street purposes elsewhere specified in this title.

§ 76. Rights for construction and maintenance of sewers.—The board of public works shall have power to acquire for and in the name of the city, by agreement or appraisal, in such manner as heretofore provided, any lands, easements, privileges, rights and estates necessary for the construction and maintenance of sewers, and may also enter upon any lands or waters for the purpose of making the necessary surveys, provided that, in all cases involving an expenditure of money, it shall have first submitted to the common council its estimate of the cost of such real estate and that the common council shall have approved the same and authorized the expenditures proposed, or that the same shall have been approved by the taxpayers at a special election.

§ 77. Paving, repaving or macadamizing.—If the board of public works shall, of its motion decide that any street, section of a street, place or square ought to be paved, repaved or macadamized and the owners of more than one-half of the total of feet front, or more than one-half of the bona fide owners, of the property abutting upon the street upon which the improvement is to be made give consent thereto in writing, or if in place of said consents the common council shall by resolution vote unanimously to concur with the board of public works that such improvement is expedient and necessary, the said board shall publish at least two weeks a notice in the official papers of said city, that at a time and place therein specified it will meet to make a final determination thereof. Such notice shall contain a brief description of the character, location and extent of proposed

improvement. At such meeting of said board any person shall be entitled to be heard against such improvement.

1. **Expense of improvement.**—The expenses of such aforesaid improvements as are made along and border upon and are contiguous and adjacent to any property owned by the city, including crosswalks and intersections of streets, and one-third of the remainder of such improvements, exclusive of the amount charged to any railroad company, shall be paid by the city at large from the general and special public works improvement fund; the balance of the expense of such improvements shall be paid and become a charge upon and shall be assessed against such real estate and real property abutting and bordering upon and contiguous and adjacent to the street or streets, alleys, public place or way of any part thereof and by and against any railroad company whose rails or tracks occupy any portion of that part of the street or other way or public place so improved; but no part of the expense of such improvements shall be assessed upon any lands not bordering upon or touching the part or parts of such street, or other way or public place upon which such improvements are made.

2. **Determination to make improvement and report to common council.**—If the board shall finally determine to make the improvement it shall record an order therefor in its minutes, shall ascertain the whole cost thereof and shall apportion the same upon all the real estate fronting upon said street, section of a street or public square then to be improved in proportion to the frontage of the respective lots and parcels thereof and in proportion to the benefit which each owner of said real property may be deemed to receive, first deducting the share thereof imposed upon the city and the share of any portion thereof which any street or other railroad company may be liable to pay for the pavement between its tracks and on each side of them. The word "pavement" as herein used, is intended to include curbs and gutters. The board of public works shall report such appointment and the amount for which such railway company shall be liable and a list of all the lots and parcels of land liable to assessment with their respective frontage and a description thereof to the common council. After said common council shall have caused to be established the grade necessary for the pay-

ing in any manner of any street, alley or public place, or any part thereof, which it has determined to improve under the provisions of this section, it shall give notice in writing to the owner or owners or persons interested in the lands which front or abut upon any such street, alley or public place as are above or below the grade thus established, to construct and maintain a retaining wall of suitable materials and in such manner as said common council may direct along such street, alley or public place in front of their respective lands, and in case any such owner or owners or persons interested in said lands shall neglect or refuse to complete such retaining wall within such reasonable time as may be required by said common council, or shall neglect or refuse to keep said retaining wall in good repair and condition after its completion, said common council may cause said wall to be made and completed and maintained in good repair and condition after its completion, and the said cost and expense of building, completing and maintaining the same shall be by said common council assessed upon the property upon and in front of which said retaining wall was built, completed and maintained, and the amount thereof added by said common council to the next city assessment upon said property, and levied and collected in the ordinary way of levying and collecting taxes and expenditures in said city.

8. **Assessment of costs.**—The common council shall assess upon any railway company liable to assessment hereunder its share of the costs of such improvements and the said assessment shall be collected in the same manner as other assessments are collected by the chamberlain as provided in this act. The common council shall assess the residue of such expenses upon all the real estate fronting upon said street or section of a street, public place or square as hereinbefore provided and shall make a just and equitable assessment of the amount so fixed by it against the said owners and occupants and upon such lands deemed to be benefited as herein provided, assessing each parcel as near as may be in proportion to the benefit which each owner of real property may be deemed to receive therefrom and shall thereupon cause a notice to be published in the official papers of said city, that the assessment-roll has been filed with the city clerk and that the common council would on a certain day and place to be therein specified, which shall not be less than ten

days from the first publication of said notice, proceed to confirm said assessment. At the time and place named in said notice, or at any other time or place to which the common council may from time to time adjourn said hearing, any person interested may appear before the common council and apply to have said special assessment-roll altered or corrected as he may deem just. After hearing all such applications the common council may proceed to make such alterations and corrections in said special assessment-roll as it may deem just, and by resolution confirm the same; the said assessment shall thereupon be and become final and conclusive upon all parties interested. To provide funds for the payment of the costs and expenses of such improvements, or any part thereof as shall be paid by said city, as hereinbefore provided, said common council shall issue bonds or certificates of indebtedness of said city which shall be designated series "A," and thereby pledge the faith and credit of said village to the extent that said city is authorized by law to issue bonds and certificates of indebtedness, and which bonds or certificates of indebtedness shall bear interest at a rate not to exceed four per centum per annum, and shall be for such amounts and upon such terms as may be determined by said common council, but all of said bonds or certificates of indebtedness shall become due and payable within twenty years from the date thereof. Such bonds or certificates of indebtedness, when issued, shall be binding upon said city, and shall contain a recital that they are issued pursuant to the provisions of the charter of said city, and such recital shall be conclusive evidence in any court of the validity thereof and of the regularity of their issue. Each of said bonds or certificates of indebtedness shall be signed by the mayor and countersigned by the clerk of said city, and they may be issued, in the discretion of said common council of said city, directly to pay for the improvements provided by this section, but if not so used, they shall be delivered, when issued, immediately to the chamberlain of said city, and be by him sold, at public or private sale, to the highest bidder, but not for less than par and accrued interest, and the proceeds thereof shall be used in paying for such improvements provided for by this section, and as herein provided, and for no other purpose. All of said bonds or certificates of indebtedness shall be numbered consecutively, and a record thereof kept by the

clerk of said city, and also by the chamberlain of said city, of those which shall be delivered to him to be sold as before provided, showing the date, number, amount and date of maturity of each. All moneys derived from a sale of said bonds or certificates of indebtedness shall be kept by the chamberlain of said city as a separate fund, and designated "the public works improvement fund," and all orders for the payment of any moneys from said fund shall be drawn directly upon said fund, and shall be signed by the president of board of public works and countersigned by the clerk of the said city. If the proceeds derived from the sale of the bonds and certificates of indebtedness issued under the provisions of this section exceed the amount of the actual cost and expense of such improvements to be paid by said city at large as herein provided, such surplus of said funds shall be used to retire or pay off the bonds or certificates of indebtedness, or interest thereon, as the same shall become due and payable. To provide funds for the payment of the cost and expense of such improvements or any part thereof, as shall be locally assessed and remaining unpaid, as herein provided, said common council shall issue short term bonds or certificates of indebtedness, in an amount necessary to meet the amount assessed upon abutting property heretofore specified in this title, and which bonds or certificates of indebtedness so issued shall be designated series "B," and shall become due and payable at such times and in such amounts as such local assessments before specified shall become due and payable, as near as may be, and which bonds or certificates of indebtedness shall bear interest at a rate of four per centum per annum, and shall have the same force and validity, and contain the same recitals and be numbered consecutively, and issued and disposed of in the same manner, and with the same restrictions, and the avails received therefrom deposited with the city chamberlain of said city to the credit of the same fund, and paid out for the same purpose, and upon the same authority and in the same manner in all respects as provided in this section with reference to bonds and certificates of indebtedness, designated series "A." The moneys received upon collections of local assessments as provided in this section, shall be used by said common council in paying and cancelling the cost and expense of such improvements as shall have been so locally assessed, and in paying and

cancelling the short term bonds or certificates of indebtedness issued under this section, and designated series "B." All improvements authorized by this section shall be advertised in the official newspapers of the city, for such time as the board of public works may direct, to be awarded to the lowest responsible bidder for the same, who shall furnish the security as hereinafter provided, unless the board of public works shall deem it for the best interests of the city and the adjacent and contiguous property owners, to reject all bids made; in which case if the expense thereof upon any one street shall exceed two hundred and fifty dollars, the said board shall readvertise in like manner until a satisfactory bid shall be received. But if the expense thereof shall be two hundred and fifty dollars or less, and no satisfactory bid shall be received pursuant to said advertisement, or otherwise, the board of public works may cause such work to be done by the superintendent of public works under its supervision, but at an expense not to exceed the usual or ordinary cost of labor and material. No bid shall be accepted unless accompanied with such security in such amount and penalty and in such form as the board of public works may direct and approve, conditioned that the bidder will accept and execute a written contract and specifications in case it shall be awarded to him. Said security shall be so given after proper specifications shall have been made and filed in the office of the city clerk and after notice for such bid has been published at least once in the official newspapers of the city. The advertisement for bids need not contain the specifications, but may refer to them as on file.

No paving, repairing, asphaltting or macadamizing shall be done in any street until the gas and water mains and sewers have been laid therein, and service and house connection pipes to the same laid in front of curb of each separate piece of property, at least to a point within the line of the curbing, in such manner as the board of public works shall prescribe. In case of neglect or refusal of the owner the common council is authorized to do such work and the actual expense thereof shall be assessed on the property benefited thereby the same as other local assessments.

§ 78. Establishing of grade et cetera.—The board of public works shall, within two years after the passage of this act, fix

clerk of said city, and also by the chamberlain of said city, of those which shall be delivered to him to be sold as before provided, showing the date, number, amount and date of maturity of each. All moneys derived from a sale of said bonds or certificates of indebtedness shall be kept by the chamberlain of said city as a separate fund, and designated "the public works improvement fund," and all orders for the payment of any moneys from said fund shall be drawn directly upon said fund, and shall be signed by the president of board of public works and countersigned by the clerk of the said city. If the proceeds derived from the sale of the bonds and certificates of indebtedness issued under the provisions of this section exceed the amount of the actual cost and expense of such improvements to be paid by said city at large as herein provided, such surplus of said funds shall be used to retire or pay off the bonds or certificates of indebtedness, or interest thereon, as the same shall become due and payable. To provide funds for the payment of the cost and expense of such improvements or any part thereof, as shall be locally assessed and remaining unpaid, as herein provided, said common council shall issue short term bonds or certificates of indebtedness, in an amount necessary to meet the amount assessed upon abutting property heretofore specified in this title, and which bonds or certificates of indebtedness so issued shall be designated series "B," and shall become due and payable at such times and in such amounts as such local assessments before specified shall become due and payable, as near as may be, and which bonds or certificates of indebtedness shall bear interest at a rate of four per centum per annum, and shall have the same force and validity, and contain the same recitals and be numbered consecutively, and issued and disposed of in the same manner, and with the same restrictions, and the avails received therefrom deposited with the city chamberlain of said city to the credit of the same fund, and paid out for the same purpose, and upon the same authority and in the same manner in all respects as provided in this section with reference to bonds and certificates of indebtedness, designated series "A." The moneys received upon collections of local assessments as provided in this section, shall be used by said common council in paying and cancelling the cost and expense of such improvements as shall have been so locally assessed, and in paying and

cancelling the short term bonds or certificates of indebtedness issued under this section, and designated series "B." All improvements authorized by this section shall be advertised in the official newspapers of the city, for such time as the board of public works may direct, to be awarded to the lowest responsible bidder for the same, who shall furnish the security as herein-after provided, unless the board of public works shall deem it for the best interests of the city and the adjacent and contiguous property owners, to reject all bids made; in which case if the expense thereof upon any one street shall exceed two hundred and fifty dollars, the said board shall readvertise in like manner until a satisfactory bid shall be received. But if the expense thereof shall be two hundred and fifty dollars or less, and no satisfactory bid shall be received pursuant to said advertisement, or otherwise, the board of public works may cause such work to be done by the superintendent of public works under its supervision, but at an expense not to exceed the usual or ordinary cost of labor and material. No bid shall be accepted unless accompanied with such security in such amount and penalty and in such form as the board of public works may direct and approve, conditioned that the bidder will accept and execute a written contract and specifications in case it shall be awarded to him. Said security shall be so given after proper specifications shall have been made and filed in the office of the city clerk and after notice for such bid has been published at least once in the official newspapers of the city. The advertisement for bids need not contain the specifications, but may refer to them as on file.

No paving, repairing, asphaltting or macadamizing shall be done in any street until the gas and water mains and sewers have been laid therein, and service and house connection pipes to the same laid in front of curb of each separate piece of property, at least to a point within the line of the curbing, in such manner as the board of public works shall prescribe. In case of neglect or refusal of the owner the common council is authorized to do such work and the actual expense thereof shall be assessed on the property benefited thereby the same as other local assessments.

§ 78. Establishing of grade et cetera.—The board of public works shall, within two years after the passage of this act, fix

and establish the grade line of all streets, sidewalks, public places and squares in the city; shall cause to be prepared a map of the city, with necessary profiles, showing the boundaries, alignment and grade of all the streets, the grade line of all sidewalks, the boundaries and grades of all public places and squares, and the location of the sewers, and shall thereafter change and add to such map so as to make it conform to any alterations in said boundaries, grades and alignments made by such board, and show all extensions of the sewers that shall be made. Any map conforming substantially to the requirements of this section, made by the authorities of the village of Cortland, or of any department thereof, shall be regarded as made hereunder, and may be used in place of, or as a part of, the map hereby required.

§ 79. Change of grade of streets et cetera.—If the grade of any street, public place or square in which a street surface railroad is now, or shall hereafter, be operated, shall be changed, or if any such street shall be straightened, widened or altered, the railroad corporation operating such street surface railroad shall change its grade and line to conform to such alterations, if required so to do by the board of public works; but unless such railroad corporation shall be legally liable to pay the cost of such change of the grade and line of such railroad, such change shall be at the expense of the city.

§ 80. Sidewalks, construction and repair thereof; assessment or expenses, et cetera.—The board of public works shall have power, to require sidewalks, curbs and gutters, and the whole or any part of such sidewalks, curbs or gutters in said city to be constructed, made, paved, flagged, curbed, guttered, relaid, reset, mended, or repaired by the owners, possessors, or occupants or lands adjoining such sidewalks, curbs, or gutters; and to require any or either of such improvements, acts or things to be made or done in such a manner, at such times, and of such materials as it may prescribe and direct. Such improvements shall conform to the grades established or to be established before such improvements are made. The board of public works, in the resolutions or ordinances requiring any of the improvements, acts or things authorized by this section, shall specify in what manner and within what time and of what material the same must be made or done. At least ten days before the expiration of the

time specified for such performance it shall cause to be served upon the owners or occupants of the lands adjoining such sidewalks, curbs or gutters, so to be improved as aforesaid, a copy of said resolution or ordinance, with a notice, that, if the same is not done within the specified time by the several owners or occupants of the adjacent lands, it will be done by said board of public works at the expense of such owner or occupants. Such service shall be made either upon the owner or occupant by delivering the same to him personally or by leaving the same, in his absence, with some member of his family or person of suitable age, residing with him. In case the land is unoccupied, or the owner a non-resident, such service may be made upon the agent of such owner, if known to the board of public works, or by depositing the same in the post-office, properly inclosed and the postage thereon prepaid, and directed to such owner at his place of residence or the post-office nearest his place of residence. In case such owner or his place of residence is unknown, and there be no resident agent or occupant to the knowledge of the board of public works such service may be made affixing a copy of such ordinance or resolution and notice upon a conspicuous part of said premises. The board of public works shall also, at least ten days before the expiration of the time specified for performance, cause a copy of such resolution or ordinance to be published at least once in the official papers of said city. Affidavits of the service and publication of such resolution or ordinance may be filed or recorded, or both, in the office of the clerk of said city, and the affidavits or the records thereof, or a certified copy of either, shall, in all courts and places, actions and proceedings be prima facie evidence of the facts stated therein. In case any such improvement, act or thing so required shall not be made, done or completed, as required, within the time so specified, the board of public works shall have the power to make, do or complete the same, and, having done so, shall, without giving any further notice, proceed to make a special assessment-roll of the expense thereof against the delinquent owners or occupants, and upon said adjoining lands owned or occupied by them, assessing upon each parcel or lot of land the expense of the sidewalk, curb and gutter immediately adjoining it and file the same with the city clerk. Whereupon the said city clerk shall give notice in the official newspapers of the city that the same had been left

with him and may be examined by all persons interested; and that at a time and place to be specified in said notice, which shall be not less than ten days from the first publication thereof, the common council will hear and act upon the application of any person deeming himself aggrieved by said special assessment, to have the same altered or corrected, as he may deem just. After hearing all such applications, the common council may proceed to make such alterations and corrections, if any, in said special assessment-roll, as it may deem just, and by resolution confirm the same. And said assessment shall thereupon become and be final and conclusive upon all parties interested in said real estate or affected thereby, and the said assessment shall be collected in the manner and with the fees prescribed for the collection of such special assessments in this act.

§ 81. **Cleaning sidewalks and gutters of snow and ice.**—It shall be the duty of every owner or occupant of every lot or piece of land to keep the gutters, and the sidewalks adjoining his lot or piece of land at all times clean and free from snow, ice or other obstructions. It shall be the duty of such owner or occupant to remove new ice and freshly fallen snow from such sidewalk before twelve o'clock of each day and to keep the same so cleaned and removed at all times. In case such owner or occupant shall neglect or refuse to clean said sidewalk within such time, he shall be subject to such fine or penalty therefor as shall be prescribed by the board of public works, and in addition thereto the superintendent of public works shall, in such case, proceed to clean the same without notice to such owner or occupant. In case any sidewalk or any such other gutter in said city shall, at any time, in the judgment of the superintendent of public works otherwise require cleaning, said superintendent shall serve a notice upon the owner of the adjoining lot requiring him to clean the same within twenty-four hours after the service of such notice. Such notice shall be served in the same manner as the notice for the construction or repair of sidewalks, curbstones and gutters, as provided in the next preceding section. If such notice be served by mail the owner shall have three days after service thereof within which to comply with such requirements. If any person so required to do any such cleaning, shall neglect or refuse to do the same within the time prescribed therefor, the said superintendent shall clean the same

in such manner as he shall deem proper and suitable, in which case he shall report the fact and the expense thereof to the city clerk, who shall give notice of the expense thereof to the owner, in the same manner as notices to do the cleaning, requiring the payment of such expense to the city chamberlain within ten days after the delivery or mailing of such a statement. If such expense be not paid to the city chamberlain within the time prescribed therefor, the said superintendent shall file his affidavit of the actual expense thereof with the clerk of the city, and the same shall thereupon be assessed by the common council and collected the same as other local assessments.

§ 82. Street cleaning and repairing.—The board of public works shall have power to cause the streets, lanes, alleys, highways and public grounds and places of said city to be cleaned and repaired from time to time and the expense thereof shall be paid by the city.

§ 83. Work may be done by contract.—Except as herein otherwise provided, all work within the purview of this title, may, in the discretion of the board of public works, be done by contract, to be let to the lowest bidder under the regulations and limitations prescribed in seventy-seven of this title in reference to the paving of streets.

§ 84. Guardian ad litem for infant defendants.—Whenever an infant or other incompetent person shall be interested in real estate affected by any improvement provided for by this title, the county court of Cortland county or the supreme court, shall have power to appoint a guardian in the nature of a guardian ad litem to protect the interests of said infant or other incompetent person. Such guardian shall be entitled to receive for his services such compensation as the court making the appointment shall direct.

§ 85. County court always open.—The county court of Cortland county shall always be open for the transaction of any business or making of any motion or application contemplated by this title. Errors and irregularities in the proceedings contemplated by this title, if shown to injuriously affect a party or parties thereto, may be corrected on review thereof, on the application of the party injured, or his damages occasioned thereby recovered in an action against the city, subject to the regulations of this act.

§ 86. Taxes and assessments under this title, lien of.—Every tax and assessment imposed under any of the provisions of this

title shall be a lien upon all real estate against which the same shall be assessed, for ten years from the filing of such assessment-roll, superior to any mortgage, judgment or other lien of any nature, except general city and school taxes, affecting the same and shall have priority thereto, or to any conveyance thereon, and notice to the occupant or tenant shall be held to be deemed a notice to the owner or owners of said real estate.

TITLE VI.

BOARD OF FIRE COMMISSIONERS AND FIRE DEPARTMENT.

- Section** 90. Control of department vested in board.
- 91. Fire commissioners, how appointed.
 - 92. Chairman of board.
 - 93. Meetings of board.
 - 94. Approval of election of officers of department.
 - 95. Duties of chief and assistant engineers.
 - 96. Present fire companies to constitute the department.
 - 97. Annual report to mayor.
 - 98. Audit of bills and report of fires and fire losses.
 - 99. Rules for the department.
 - 100. Charge and sale of property.
 - 101. Appropriation of unexpended moneys.
 - 102. Officers of present companies to serve out term.

Section 90. Control of department vested in board.—The powers and duties connected with and incident to the control, government and discipline of the fire department of the city of Cortland, except as herein otherwise provided, shall be vested in and exercised by a board of fire commissioners.

§ 91. Fire commissioners, how appointed.—During the month of January nineteen hundred one the common council shall appoint four commissioners, who shall hold office as follows: Two until February first nineteen hundred three and two until February first nineteen hundred five. Thereafter the common council in the month of January each alternate year shall in the same manner, appoint two commissioners for the term of two years to succeed the commissioners whose terms of office expire in that year. The said commissioners shall be the board of fire department and members of the board of the police department.

§ 92. **Chairman of board.**—The members of said board shall select one of their number as chairman of said board, who shall preside at the meetings when present, but who shall not lose his vote as commissioner by reason of his acting as presiding officer at any time.

§ 93. **Meetings of board.**—Said board of fire commissioners shall hold meetings at least once in each month, and special meetings may be held on the call of the chairman or any two members of the board. The attendance of two commissioners shall be necessary to constitute a quorum. No meeting of the board shall be held for the appointment or discharge of any paid employee without serving a written or printed notice thereof upon each of the commissioners, or leaving it at his place of residence, at least three hours before the time of meeting, and no appointment or discharge of any such employee shall be made, except by the affirmative vote of a majority of all the commissioners.

§ 94. **Approval of election of officers of the department.**—The election of chief engineer, his assistant, the secretary and treasurer, of the fire department, shall be subject to the approval of the board of fire commissioners. In case the board of fire commissioners shall disapprove of such election, they shall order another election at such time and place as they may deem proper. Any officer of the fire department or any member thereof may, be removed for cause by said board of fire commissioners.

§ 95. **Duty of chief and assistant engineers.**—The chief engineer of the fire department, shall, under the direction of the board of fire commissioners, have the general superintendence and custody of the fire engines and other fire apparatus and conveniences for the prevention and extinguishment of fires. It shall be his duty to see that the same are kept in proper order, and to make report, in writing, to the board of fire commissioners of the state department, on the first day of January in each year, and at such other times as the said commissioners may require. It shall be his further duty to be present at fires and to take command of the fire companies present, and exercise a general supervision and control of the operations and proceedings of the different companies present, and to give direction concerning the same. He shall also have power and discretion to suspend from duty any member of said fire department, and report the same

to the board of fire commissioners for their action. Any member of the said fire department so suspended shall have an opportunity to be heard in his defense before said board of fire commissioners. It shall be the duty of the assistant engineers to be present and aid the chief engineer at all fires; and in case of his absence, the powers and duties of the chief engineer shall be exercised and discharged by the senior assistant engineer.

§ 96. **Present fire companies to constitute the department.**—The several fire companies at present composing the fire department of the village of Cortland shall, after this act takes effect, continue under the same names and organizations as at present, but each officer, member or company thereof shall thereafter belong to and be a portion of the fire department of the city of Cortland, be under the control and government of said board of fire commissioners and be subject to the suspension or removal by said board.

§ 97. **Annual report to mayor, and taxes for fire department purposes.**—The said board of fire commissioners shall, on or before the fifteenth day of October in each year, prepare an estimate, which shall contain and include in detail all such sums of money (within the amount which the common council is authorized to insert in the annual tax levy under the provisions of this act) as in the judgment of said board of fire commissioners, will be actually required for the salaries of all paid members of said department, the wages of employees, the purchase of hose, horses and apparatus, furniture, fuel, light, stationery, printing, advertising, necessary supplies and repairs and other incidental expenses of the fire department including the fire alarm telegraph and furnish the same to the mayor, as provided in this act. Whenever, in the judgment of said board of fire commissioners, the needs of the department shall require the purchase of real estate, or the expenditure for any purpose in any one year of a greater sum than that authorized by this act to be inserted by the common council in the annual tax levy, they shall likewise report the same in detail, to the mayor, in order that the necessary proceedings may be taken by the common council, if said report be acted upon favorably by said common council, to submit the question of raising such additional sum or sums by taxation to the taxable inhabitants of said city as provided by this act.

§ 98. Audit of bills, and report of fires and fire losses.—All bills for expenditures and services connected with the said fire department must be audited and ordered paid by the board of fire commissioners, and paid by drafts on the chamberlain signed by two commissioners of the board. The said board of fire commissioners shall, on or before the tenth day of January in each year, present to the common council of said city a report showing a complete inventory of all property under their charge, which report shall also exhibit a particular statement of all fire alarms and fires which have occurred in said city during the preceding year, together with the cause of all such fires, as far as the same shall have been ascertained. It shall also exhibit a particular statement of losses caused by such fires and all insurance thereon. It shall also show the quality of hose which shall have been used, the source whence the supply of water was derived, the names of all officers and members of said fire department and of the companies therein, and the names of all persons in the employ of said fire commissioners and the compensation paid to them, and a statement of all expenses paid or incurred in the fire department during the year, and such other information relating to the fire department as to said commissioners shall seem important.

§ 99. Rules for the department.—The board of fire commissioners shall make such rules and regulations as it may deem best for its government, or the fire department, provided such rules and regulations shall not conflict with the laws of the state or of the United States.

§ 100. Charge and sale of property.—The said board of fire commissioners shall have charge of all property now in use or hereafter to be acquired by the city of Cortland for the purpose of extinguishing fires, including all the rooms for storing the same. The said board of fire commissioners shall also have power, by and with the approval of the common council of said city, to sell the same or any part thereof, except real estate, the proceeds of such sale to be forthwith paid over to the city chamberlain and by him kept in a separate fund, the moneys of which may, by the said board of fire commissioners, be applied to the purchase of other apparatus or property, or for any other fire department purpose.

§ 101. Appropriation of unexpended moneys.—All moneys in the hands of the treasurer of the village of Cortland which have been raised or provided for fire department purposes and unexpended when this act shall take effect, are hereby appropriated for the purpose provided by this article.

§ 102. Officers of present fire companies to serve out their term; exempt firemen.—The officers of each of the present fire companies of the village of Cortland in office at the time this act takes effect shall continue in office until the expiration of the terms for which they were elected or appointed. The members of each of said companies may, pursuant to rules to be prescribed by the board of fire commissioners and subject to the confirmation of said board, elect, expel or accept the resignation of any of the members and officers of said companies. Every member of any of the fire companies of said city, while such member, shall be exempt from serving in the militia, except in case of war, invasion and insurrection, and every person who shall serve in such fire department seven successive years shall thereafter be entitled to like exemption from military service, and a certificate of such service, authenticated by the mayor of the city, with the corporate seal attached, shall be presumptive evidence before all courts and officers, civil and military, of such exemption. The members of any of the fire companies of said village in service when this act takes effect shall be entitled to credit the term of their service in said companies of said village in computing the number of years of service required by this act to secure the exemptions provided for in this section.

TITLE VII.

THE POLICE DEPARTMENT.

Section 110. Board of police commissioners; organization.

111. Vacancies; how filled.

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- 127. By-laws of police force.
- 128. Station houses.
- 129. Commitment to police-station; account of criminal expenses chargeable to county.

Section 110. Board of police commissioners; organization.—The members of the board of fire commissioners shall, with the mayor, constitute the board of police commissioners of said city. The mayor shall be the president of said board; but shall have no vote therein, except in case of tie. In case of the mayor's absence from the city or his inability from any cause to attend any meeting of said board, the other members thereof shall choose one of their number chairman pro tempore, who shall have the same powers as the mayor therein and who shall not lose his vote thereby. The city clerk shall be the secretary of the board, shall keep a record of its proceedings and shall have the custody of all books and papers belonging to said board. Said books and papers shall, at all times, be open to the inspection of each member of the board.

§ 111. Vacancies, how filled.—In case any vacancy shall occur in the office of police commissioner of said city, such vacancy shall be filled for the unexpired term by the common council in the manner provided in this act for the original appointment. The resignation from office of any police commissioner shall be made to the common council of said city and shall be subject to its acceptance.

§ 112. Officers of police, patrolmen and special policemen.—The said board of police commissioners shall, within ten days after their appointment, organize as the board of police commissioners. The permanent police force of the village of Cortland shall, as to its component parts, remain as now constituted until the same shall be reorganized by the action of the common council pursuant to the

§ 118. **Exemption from military and jury duty.**—No member of the police department is liable to military or jury duty or to arrest on civil process, or to service of subpoena from civil courts, while actually on duty, nor shall he hold any other office or be employed in any other department of the city government.

§ 119. **Officer not to be delegate.**—No officer of the police force shall be a member of, or delegate to, any political convention, nor shall he be present at any such convention except in the performance of duty relating to his position as such officer or member; and any violation of these provisions shall work a forfeiture of his office or position, and it shall be the duty of the board of police commissioners to dismiss him from his office or position, and enter of record the cause of such dismissal.

§ 120. **Unlawful conduct at primaries, et cetera.**—It is unlawful for any police officer to solicit any person to vote at any political caucus, primary or election for any candidate, or to challenge any voter, or in any manner to attempt to influence any voter at any political caucus, primary or at any election, or to be a member of any political committee; and any person violating the provisions of this section shall forfeit his position under the city government.

§ 121. **Powers and duties of police.**—The members of the police force of said city shall possess in every part of the state of New York all the common law and statutory powers of constables, except for the service of civil process, and any warrant for search or arrest issued by any magistrate of the state of New York may be executed in any part of the state by any member of the police force of said city without any endorsement of said warrant and according to the terms thereof; they shall also have the same power and authority which a constable possesses in civil cases and special proceedings, so far as serving and executing all process and papers in any action or proceeding in behalf of the city of Cortland or any officer of such city suing as such, including proceedings in bastardy cases, but not otherwise. In all cases in which they are authorized to act, they shall possess the same powers, perform the same duties, and be subject to the same liabilities as constables, except as herein otherwise provided. They shall execute the orders and commitments of the city judge in said city and of all courts held by him for the trial of criminal cases. They shall convey all persons sentenced by him to con-

finement in any jail, penitentiary or house of refuge to such place of confinement, and they shall serve and execute all civil process or proceedings issued or directed by any officer or court in said city in favor of said city, or in which said city shall be a party. They shall also convey to the city pound all cattle, swine and other animals forbidden to run at large by law or the ordinances of said city, whenever the same are so found on any of the streets or alleys of said city, and shall further aid in the enforcement of the by-laws and ordinances of said city by directing a compliance therewith, whenever an omission so to do is observed, and upon further neglect or refusal to obey the same, by reporting the offender to the mayor of said city for prosecution.

§ 122. *Service of criminal process.*—All criminal process for any offense committed within said city, issued out of any court within said city; and all process, subpoenas, bench warrant or otherwise, issued by the district attorney of the county of Cortland, relating to any offense committed within said city, may be served by a member of said police force.

§ 123. *Expenses in execution of process.*—The necessary expenses incurred in the execution of criminal process within said city shall be a charge against the city. No fees or compensation whatever, other than as herein provided, shall be charged or received by any officer or member of the said police force for the arrest, confinement or discharge of any person or for mileage and travel, or for serving any warrant, subpoena or process, or for discharging any other duty required by this act; nor shall any such fee or compensation be charged or received by any officer or citizen for the arrest of any person charged with crime, or for the service of any warrant, subpoena or other process in any criminal case, other than as herein provided.

§ 124. *Presents or awards.*—No member of the police force, or special policemen, shall receive any present or reward for services rendered, or to be rendered, unless with the consent of the board of police commissioners, such consent to be given in writing and filed with the clerk; and any one of their number who shall receive any fee or reward in violation of this section, shall thereby forfeit his office.

§ 125. *Payment of salaries and expenses.*—The chamberlain shall pay the salary of the members of the police force monthly, as it shall become due, on the warrant of the board of police

commissioners. The contingent expenses of the police department and for rent of station house and telephones, expenses for office furniture, fuel, light, stationery, printing, advertising, policemen's badges and batons and other necessary expenses shall be paid by the chamberlain of said city upon the warrant of the board of police commissioners. All warrants of said board must be authorized by a vote of the board and be signed by the chairman and clerk thereof.

§ 126. Appropriation of moneys.—All moneys in the hands of the treasurer of the village of Cortland, which have been raised or provided for police purposes and unexpended, when this act takes effect, are hereby appropriated for the purposes provided by this section.

§ 127. By-laws for police force.—The board of police commissioners shall make such by-laws, not inconsistent with the laws of this state, as may be necessary for the government of the police force hereby established, for regulating the powers and duties of the officers and members thereof, for uniforming them, and for the maintenance of law and good order in said city, but no by-law concerning the enforcement of any ordinances of said city shall take effect until after it shall be approved by the common council of said city. Said board of police commissioners shall hold stated meetings on the first Wednesday of each month, and other meetings upon the call of the mayor or of any two members.

§ 128. Station-houses.—The board of police commissioners shall provide and keep in order such station-houses, lockups and other necessary accommodations as shall be required for the use of said police force. The said board may also employ some suitable and competent person to serve as janitor of such station-houses and lockups, at a compensation to be fixed by them, if authorized so to do by the common council.

§ 129. Commitment to police station; account of criminal expenses chargeable to county.—The city judge of the city may commit to the police station, in said city, any person charged with crime and pending an examination for trial therefor, and the officer in charge of said police station in said city, is authorized and required to receive any such person so committed and retain him in custody in accordance with committal. The board of police commissioners of the city of Cortland shall, at the

annual meeting of the board of supervisors of the county of Cortland, render to said board of supervisors an itemized account of such criminal expenses as shall be properly chargeable to the county of Cortland. Such expenses, which shall include a proportional part of rent of station, lighting of, heating and cleaning the same, board of prisoners, expense of transportation of prisoners under sentence to place of confinement, and the sum of twenty-five cents for each transient-poor lodger sent by the commissioner of charities of said city to such station-houses shall be audited by the said board of supervisors and provided for and paid in the same manner as all other county charges. Said money shall be received by the city chamberlain and credited to the police fund.

TITLE VIII.

DEPARTMENT OF CHARITIES.

Section 140. Appointment of commissioner.

141. Powers and duties of commissioner of charities.

142. Monthly report of commissioner.

143. Common council to audit accounts.

144. Commissioners not to be interested in purchases.

Section 140. Appointment of commissioners.—On or before the first day of February after the passage of this act and in each alternate year thereafter, there shall be appointed in the manner provided by this act a commissioner of charities, who shall hold office for two years from the first day of February following his appointment.

§ 141. Powers and duties of the commissioner of charities.—Except as provided by this act, the commissioner of charities of the city of Cortland shall, within the city of Cortland, have and exercise the same powers and discharge the same duties, to the exclusion of any other officer, as overseer of the poor in towns. The commissioner of charities of the city of Cortland shall also by virtue of his office, possess all the powers and authority of overseers of the poor of the several towns of the state in relation to the support and relief of indigent persons, the binding out of children, the care of habitual drunkards, the support of bastards and proceedings to charge the fathers and mothers of such bastards, and shall have all such other powers as are conferred on

overseers of the poor in the respective towns of this state, and shall be subject to the same duties, obligations and liabilities. It shall be the duty of the commissioner to visit the poor of said city at their several places of abode and examine into their circumstances, and ascertain to what extent they are or may be in need and entitled to permanent or temporary relief, or medical attendance. No physician other than the city physician shall be employed by the commissioner of charities to attend the poor of said city, unless otherwise authorized or directed by the common council. The commissioner of charities shall have power to administer oaths to, and examine under oath, any person applying to him for relief, and false swearing during such examination shall be deemed wilful perjury. For all purposes relative to the maintenance and support of the poor, the city of Cortland shall be deemed one of the towns of Cortland county. The commissioner shall issue written orders for all meals, provisions and supplies furnished to the poor of said city.

§ 142. Monthly report of commissioner.—The commissioner of charities, at the first regular meeting of the common council in each month, shall under oath report in detail to the common council all appropriations, expenditures, temporary relief, medical attendance, and allowance made by him as such commissioner during the month preceding, which report shall specify the name and place of abode of each person relieved, the quantity and price per pound, or otherwise as the case may be, of each article furnished or ordered, and from whom obtained; said report shall also contain the names and places of abode of all persons to whom meals or lodgings have been furnished, the number of such meals and lodgings, from whom obtained, or whom furnished, and the cost of the same. Said report shall be filed with the city clerk.

§ 143. Common council to audit accounts.—All charges and accounts against said city for services rendered, acts done or meals, provisions or supplies furnished under the direction of the commissioner of charities of said city under the provisions of this act, or otherwise, shall be made out in items, duly verified, by the persons entitled to the payment therefor, and presented to the common council at the first regular meeting of said council in each month, for all claims and demands incurred or which may have accrued during the preceding month. All such claims, ac-

counts and charges shall, if approved, be audited by the common council and paid from the poor fund of said city by the chamberlain upon the warrant of the mayor, countersigned by the clerk.

§ 144. Commissioner not to be interested in purchases.—The commissioner of charities shall not, directly or indirectly, furnish to any person, any groceries, provisions, fuel, medicines or property belonging to himself, or in which he shall have an interest or be interested, nor shall he receive any commission upon or for any goods or articles or relief furnished, or on any orders given by him for any such goods or articles of relief furnished, or on any orders given by him for any such goods, articles or relief. For any violation of any provision of this section, said commissioner shall be removed from office by the common council and he shall forfeit to said city a penalty of one hundred dollars for every such violation.

TITLE IX.

DEPARTMENT OF PUBLIC INSTRUCTION.

Section 150. City, permanent school district.

151. Board of education.

152. District board continued a city board; succession of property and obligations.

153. Appointment of members of the board of education and organization of board.

154. Superintendent of schools.

155. General powers and duties of president.

156. Clerk and his general duties.

157. General powers of the board of education.

158. Powers of board of education to raise tax for support of schools.

159. Payment of funds to chamberlain.

160. Powers of board of education to purchase sites or addition to any site or erect or enlarge any school building.

161. Annual report of board of education.

162. State superintendent of public instruction to apportion state moneys.

163. Common council shall pass ordinance for protection of school property.

Section 164. Charges of misconduct or neglect of duty of any member of board of education.

165. Report of superintendent of schools.

166. District a union free school district.

Section 150. City, permanent school district.—The said city shall form a permanent school district and shall not be subject to alteration by the district school commissioner of common schools. Such district shall be entitled to all the rights, powers, privileges, public moneys and other benefits conferred upon school districts by law or other state authority, and shall, except as otherwise provided in this act, be subject to all the rules, regulations, powers of inspection and superintendence prescribed by law applicable to school districts in cities.

§ 151. Board of education.—The affairs of said school district of the city of Cortland shall be managed by a board of nine members, to be elected in the manner provided in this act, which board shall be known and designated as the “Board of Education of the City of Cortland.” Said board and its successors shall possess all the powers conferred, and discharge all the duties imposed by this act, or by any general law of this state relating to school districts in cities, or relating to boards of education of such districts, and not inconsistent with the provisions of this act.

§ 152. District board continued as city board; succession to property and obligations.—The present members of the board of education of union free school district number one of the village of Cortland, New York, shall constitute the board of education of said city and shall be members of such board until their successors are elected and qualified as provided in this act, and the title to all real estate and personal property now belonging to said union free school district is hereby vested in the board of education of the city of Cortland, and all moneys and funds belonging to said district shall be paid over and delivered to the chamberlain of said city and credited by him to the school fund of said city. All the rights, powers, privileges, contracts, obligations and liabilities of said union free school district are hereby transferred to, vested in and imposed upon said board of education of the city of Cortland as hereby created; and the rights and privileges of all persons that may have arisen or ac-

crued prior to the passage of this act shall remain and be enforced by or against the board of education of the city of Cortland, and its successors, in the same manner and with like effect as the same might have been enforced by or against the board of education of union free school district number one of the village of Cortland, if this act had not been passed; subject, however, to the provisions of this act.

§ 153. Appointment of members of the board of education, and organization of board.—On or before the fifteenth day of January, nineteen hundred and one, the mayor of said city shall appoint nine members of the board of education as follows: Three members for a term of three years, three for a term of two years, and three for a term of one year, and in each year thereafter the mayor of said city shall appoint three members of the board of education in place of those whose term of office expires. The said members of the board of education shall on the first meeting in February in each year elect one of their members as president who shall hold said office for the ensuing year.

§ 154. Superintendent of schools.—The said board of education, on the first Tuesday of May subsequent to the passage of this act, and in each third year thereafter, shall appoint a superintendent of schools for the term of three years; such superintendent shall be under the direction of the said board of education, which shall prescribe his powers and duties; he shall be paid from the teachers' fund a salary, to be fixed by the board of education. Whenever such superintendent shall be appointed, the said school district shall be entitled to the benefits of the provisions of section five of title two of article one of chapter five hundred and fifty-six of the laws of eighteen hundred and ninety-four.

§ 155. General powers and duties of president.—The president of the board of education shall preside over meetings of the board when present, and perform such executive acts and duties as is required by this act and general laws, and such other lawful business as shall be given him or her in charge by said board.

§ 156. Clerk and his qualifications.—The superintendent of schools shall be clerk of the board of education, and shall act as secretary and keep the minutes of said board, and shall perform such other duties as may be required by this act and the general

school laws of the state, and such other duties as the board may prescribe.

§ 157. General powers of the board of education.—Subject to the provisions of this act and of the general consolidated school laws, the board of education of the city of Cortland shall have power and it shall be its duty:

1. To establish and organize in said city such and so many free schools as said board shall deem requisite and expedient, and to change or discontinue the same at its discretion.

2. To alter, improve and repair school houses and appurtenances, as it may deem advisable.

3. To purchase, sell or exchange, improve and repair school apparatus, books, furniture and appendages and to defray the necessary expenses attending the same.

4. To have the custody and safe keeping of the school buildings, lots, outhouses, books, furniture and appendages and to see that the ordinances and by-laws of said city in regard thereto, are enforced, and any violation thereof punished.

5. To contract with and employ all necessary teachers for the schools of the city under such conditions, rules and regulations as may be established by the board, provided that such rules and regulations are in accord with the general school laws of the state and the rules and regulations established by the department of public instruction of the state.

6. To pay the salaries of superintendent of schools and teachers out of any moneys appropriated or provided by law for that purpose.

7. To defray the necessary expenses of the board and district, including the wages of janitors and other assistants and employes and incidental expenses.

8. To expend all moneys, raised by virtue of this act, for purchasing sites, erecting or enlarging school-houses, or for other purposes, in such a manner as may be deemed advisable, but only for the purposes for which the same was raised.

9. To license, upon the recommendation of the superintendent of public instruction of said city, all teachers employed in the schools of the city, in the same manner and with like effect in said city as school commissioners of counties, and to fix the grade of state license of teachers that shall be accepted as the minimum requirement for teachers in said city.

10. To take and appropriate lands and other real property within said city for school purposes, upon making compensation therefor in the same manner and under the same proceedings as prescribed in this act, and as conferred upon the board of public works for opening of streets and highways.

11. To have, to the exclusion of all boards and officers, except the superintendent of public instruction and the regents of the university of this state, the entire supervision and management of the schools of said city; from time to time, to adopt, alter, modify, or repeal, as it may deem expedient, rules and regulations for its organization, government, and instruction for the reception of pupils and their transfer from one school-room or school-house to another, for their advancement from class to class as their degree of scholarship shall warrant, and generally to promote the good order, efficiency and prosperity of all the schools of the city.

12. To allow the children or persons non-resident within the city to attend any of the schools therein under the control of the said board, upon such terms as said board may, by resolution, prescribe.

13. To establish and maintain a city school library and provide suitable rooms for the use of the same; to exercise the same discretion as to the disposition of the moneys provided by law for the purchase of libraries as is conferred upon the inhabitants of school districts.

14. Other than as provided by this act, to exercise all the powers conferred upon the inhabitants of school districts at school district meetings.

15. Other than as provided in this act, to exercise all the powers conferred and all the duties imposed by the general laws of the state applicable to boards of education in cities. The records of the proceedings of said board, or a transcript thereof, certified by its president and clerk, shall be received in all courts or places as prima facie evidence of the facts therein stated.

§ 158. Powers of board of education to raise tax for support of schools.—On or before the fifteenth day of October in each year, the said board of education shall prepare a statement of such sums of money as it shall deem necessary during the fiscal year commencing with the first day of January next ensuing for each of the following purposes:

ations as the proposed expenditures will impose. Said election shall be conducted and the result declared and certified pursuant to the provisions and manner prescribed for conducting special elections provided elsewhere in this act. In case a majority of the votes cast be in favor of any said appropriations, the common council shall borrow upon the faith and credit of said city, the aggregate of the items having such majority, or any part thereof, at any time before and until the same can be provided for according to law. The common council shall issue bonds or other evidence of indebtedness, in such forms as it may prescribe at an annual rate of interest not exceeding four per centum, and payable at such times and in such amounts as the common council shall determine. Said bonds or any part thereof may be sold by the common council in such a manner as it may deem best, but at not less than the par value thereof. The board of education, after completing the work or other objects for which said money may have been raised, may apply any unexpended balance that may remain to any object authorized or contemplated by this act.

§ 161. Annual report of board of education.—It shall be the duty of the board of education, on or before the tenth day of January in each year, to make to the common council of the city a detailed report of the manner in which it shall have expended the money provided for and appropriated to school purposes from any source during the last fiscal year of the said board of education; and such report shall be published by the common council in connection with, and as a part of, the annual report of the financial transactions of the city, which they are required by law to have printed and circulated. Said board of education shall also make report to the superintendent of public instruction of the state, and such reports shall be made in the manner and at such times as he may direct.

§ 162. State superintendent of public instruction to apportion state moneys.—It shall be the duty of the superintendent of public instruction of this state to apportion for the use of the said board of education of the city of Cortland, such portions of the school, school library and other public money as it shall be entitled to by its annual report, in the same manner in which such moneys are apportioned to cities, and the amounts to which it shall be so entitled shall be certified to the county treasurer of Cortland

county. The said county treasurer of Cortland county shall pay over to the city chamberlain of the city of Cortland, for the use of the board of education of said city, such proportion of the school, school library and other public money as may be apportioned by law or by the superintendent of public instruction of the state to the board of education of the city of Cortland for teachers' wages, school library and other school purposes.

§ 163. Common council shall pass ordinances for protection of school property.—The common council of the city of Cortland shall have the power, and it shall be its duty, to pass such ordinances and by-laws as the board of education of said city shall report necessary for protection, safe-keeping, care and preservation of the school buildings and other school property of said district, and to impose such penalties for the violation of the same as it shall deem proper.

§ 164. Charges of misconduct or neglect of duty of any member of board of education.—Charges of misconduct or violation or neglect of duty, on the part of any member of the board of education, may be presented to said board by any member thereof, or by any elector of the city of Cortland, and such charges shall be duly examined by such board, at a regular or special meeting, of which the accused member shall have at least five days' notice, but at which meeting said accused member shall not be entitled to vote. If at such meeting, after hearing the evidence on both sides, said board shall deem the charges against the member sustained, then all the papers and documents in the case, with a transcript of the proceedings of the meeting, shall be transmitted by the clerk of the board of education to the superintendent of public instruction of the state, and upon his approval of the findings of the board, the accused member shall be removed and his place deemed vacant. All vacancies in the board of education, occasioned by the resignation, refusal to serve, death or removal of any of its members, shall be filled for the unexpired term by appointment by the mayor.

§ 165. Report of superintendent of schools.—The superintendent of schools of the city of Cortland shall confer with, and act under the direction of the board of education of said city in the performance of his duties. He shall, subject to the direction of said board, have general control and supervision of the public schools in said city and of the teachers employed therein and shall

on or before the first day of July in each year, or at such other time or times, as shall be required by said board, report in writing to the board of education on the following subjects:

1. The whole number of schools within the jurisdiction of the board of education, their cleanliness and their sanitary condition.
2. The repairs or alterations, if any, that are necessary for each of said schools.
3. The condition of the school furniture, apparatus and books in the several schools, and the repairs and additions thereto that may be necessary.
4. The number of teachers employed in the several schools, their grade of work, and their efficiency, with suggestions as to the increase or decrease in the number thereof.
5. The number of pupils registered at each school, the average daily attendance and also the number of pupils enrolled in each grade in the several schools.
6. Such changes in the organization and curriculum of any or all of the schools as he may deem advisable.
7. Such other information in relation to the city schools as may be of interest to the people of Cortland.

§ 166. District a union free school.—The said district shall be deemed and is hereby declared to be a union free school district under the laws of this state relating to public instruction. All provisions of law, not inconsistent with the provisions of this act, applicable to school districts whose limits correspond with any incorporated city, and the board of education therein, and the corporate authority of such cities are made applicable to the school district hereby established, and to the board of education thereof, and to the corporate authorities of the city of Cortland.

TITLE X.

BOARD OF HEALTH.

Section 170. Board of health; organization.

171. President of board.
172. Health officer.
173. Powers and duties of board.
174. Clerk of board of health.

Section 170. Board of health; organization.—There shall be a board of health consisting of six members who shall be designated

commissioners of health. During the month of January, nineteen hundred and one, there shall be appointed, in the manner provided in this act, six commissioners of health, two of whom shall hold said office until February first, nineteen hundred and two, two of whom shall hold office until February first, nineteen hundred and three, and two of whom shall hold office until February first, nineteen hundred and four. In the month of January in each year thereafter there shall be appointed in like manner two commissioners of health for the term of three years to succeed the commissioners whose term expires in that year.

§ 171. President of board.—The mayor of said city shall be the president of the board of health and said board shall be organized under the public health law of the state.

§ 172. Health officer.—The said board shall appoint a competent physician not one of its members, to be the health officer of the city. The said officer shall be under the direction of said board of health and shall perform such duties as may be required by said board of health, not inconsistent with this act and the general laws of the state.

§ 173. Powers and duties of board.—The board of health and the members thereof shall have all the powers and be charged with all the duties and responsibilities conferred and imposed upon local boards of health and the members thereof by the general laws of the state, so far as the same pertain to cities, except as herein otherwise provided.

§ 174. Clerk of the board of health.—The city clerk shall be the clerk of the board of health.

TITLE XI.

ASSESSMENT AND TAXATION.

Section 180. Assessment of taxes.

181. Completion of roll.

182. Review of assessment.

183. Equalization and levy for state and county taxes.

184. Levy of taxes by common council; tax rolls.

185. Issue of tax roll and warrant to chamberlain.

186. Notice of receiving taxes.

187. Percentage and interest on unpaid taxes.

188. Tax receipts.

- Section 189. Notice of unpaid taxes and demand of payment.
- 190. Collection of tax by sale of personal property.
 - 191. Collection of tax by civil action.
 - 192. Proceeding in case of failure to collect tax on warrant.
 - 193. Sale of land for unpaid taxes.
 - 194. Notice of sale of land for taxes.
 - 195. Manner of conducting sale of land for taxes.
 - 196. Disposition of proceeds of sale.
 - 197. Redemption of lands.
 - 198. Notice of redemption.
 - 199. Conveyance of real estate sold for taxes.
 - 200. Settlement by chamberlain for taxes collected.
 - 201. Power of common council as to void and erroneous assessments.
 - 202. Collection of local assessments.

Section 180. **Assessment of taxes.**—The elective assessor shall in each year prepare an assessment-roll of the persons and property taxable within the city, in the same manner and form as is required by law for the preparation of town assessment-rolls, except as modified by this act. In the assessment of any land in said city for any purpose, it shall be sufficient to state the name of one of the owners or occupants of said land, and also the street and number of any building thereon; but if the land be vacant or the building thereon not numbered, then the name of the street on which it fronts shall be given. In case no inhabited building is on the land, the owner may be designated as unknown. No error in the name of the owner or occupant shall invalidate the assessment. Only one assessment shall be made in each year for all the taxes levied within the city during that year.

§ 181. **Completion of roll.**—The elective assessor on the first day of July in each year shall complete such assessment-roll and shall file the same with the city clerk and shall give notice for thirty days, by posting such notice in three public places in the city, and by publication thereof in the official newspapers of the city, that such roll is completed and filed, and that all persons interested may examine the same at the city clerk's office, and that also on the first Tuesday of September next ensuing, at a place specified in such notice, the board of review will sit to review the same.

§ 182. **Review of assessment.**—The elective assessor and the two appointive assessors shall constitute a board of review. They shall meet at the time and place specified in the notice mentioned in section one eighty-one of this act, and review the assessment. Their sessions shall not aggregate more than ten days nor be continued beyond the first day of October. During the time the assessors review any tax or assessment they shall have power to add or insert in such assessment-roll any property liable to assessment and the valuation thereof which may have been omitted from such roll, upon giving personal notice to the owner of such property or to his agent at least two days prior to adding the same. Except as modified by this act, the board of review shall have all the powers given by the tax law of the state of New York, to assessors sitting to hear complaints in relation to assessments, and the proceedings in relation thereto shall be the same as provided by the tax law of the state. Any person assessed upon the assessment-roll, claiming to be aggrieved by any assessment for property therein, may review the same in manner provided by article eleven of the tax law. On or before the first day of October, the corrected assessment-roll together with their minutes shall be filed in the office of the city clerk.

§ 183. **Equalization and levy for state and county taxes.**—The city clerk shall immediately thereupon proceed to prepare the roll for the ensuing year. He shall, upon the written direction of the assessors, correct all clerical errors appearing therein, make a true copy of the assessment-roll as corrected, certify it under the seal of the city, and deliver it to the chairman or clerk of the board of supervisors of the county of Cortland, at its next annual meeting. The board of supervisors of Cortland county shall in each year equalize the assessments within the city of Cortland with the assessments of the towns in said county, in the same manner as the assessments are required to be equalized between such towns. The board of supervisors shall not cause the state and county tax apportioned to said city to be spread upon any tax roll of property within the city, but shall, by resolution, ascertain and direct the amount of tax to be levied in the city for state and county purposes, and shall, on or before the fifteenth day of December in each year, certify such resolution under the hands of the chairman and the clerk of the board of

supervisors, to the common council of the city, and file such resolution with the city clerk, and the city clerk shall thereupon extend and apportion such tax on the assessment-roll together with the city taxes, levied as hereinafter provided, and no other extension and apportionment of such state and county taxes need be made.

§ 184. **Levy of taxes by common council; tax rolls.**—The common council must annually cause to be levied and raised by general tax upon all taxable property, real and personal, in the city, according to the valuation upon the assessment-roll for the current year, corrected as aforesaid:

1. The amount of taxes certified to the common council of the city by the board of supervisors to be assessed upon the city.

2. The amount of all interest and any installment of principal falling due upon the bonds or other permanent debt of the city, which shall be kept in a separate fund to be called the public debt fund.

3. The amount necessary to defray the expenses for the next fiscal year as authorized and provided in sections fifty-three and fifty-five of this act.

§ 185. **Issue of tax roll and warrant to chamberlain.**—The city clerk, under the direction of the common council, shall extend and apportion the city tax on the assessment-roll delivered to him in each year and shall forthwith file the same in his office, and shall make two copies of the same with the tax so extended and apportioned, and shall certify such copies to be correct duplicate city rolls of state, county and city taxes; such roll shall then and on or before the fifteenth day of January, or as soon thereafter as practicable, be delivered to the chamberlain of the city with a warrant annexed, under the seal of the city, commanding him to receive, levy and collect the several sums in the roll specified as assessed against the person or property therein mentioned or described, with such percentage of penalty and interest as is in this act provided, in the manner provided by law for the collection and levying of county taxes by town collectors, and to return said warrant and roll to the city clerk within ninety days after the date of the warrant. From the time of the receipt of the tax-roll and warrant by the chamberlain, all taxes assessed and levied upon any real estate shall be a lien upon such real estate for the

amount thereof with percentage and interest until the same shall be fully paid.

§ 186. **Notice of receiving taxes.**—Immediately on the delivery of the city roll and warrant to the chamberlain he shall publish a notice in the official newspapers of the city, that he will attend at his office with said roll and warrant, for thirty days next after the first publication of said notice, Sunday and legal holidays excepted, from nine o'clock in the morning to four o'clock in the afternoon, to receive city, county and state taxes, and it shall be his duty to attend accordingly. All taxes or assessments paid within thirty days after the first publication of the chamberlain's notice shall be payable without fee, percentage or interest thereon. On all taxes or assessments remaining unpaid after the expiration of such thirty days the chamberlain shall collect five per centum additional, and all remaining unpaid after the expiration of sixty days from such first publication shall bear, and there shall be collected thereon, in addition to said five per centum, interest at the rate of one per centum per month from the expiration of said sixty days, which percentage and interest shall belong to the city

§ 188. **Tax receipts.**—Immediately upon receiving any tax the chamberlain shall enter in a column prepared for the purpose and opposite the names of the persons or corporation, paying the same, the fact of payment and the date thereof, and shall give the person paying the same a receipt therefor. Any person may pay any one or more taxes or assessments upon his property, leaving others unpaid to be enforced in the manner provided by this act. All receipts issued by the chamberlain for taxes paid to him shall be numbered consecutively, commencing with number one on the first receipt issued for taxes for any one year, and he shall not receipt for more than one year's taxes on the same property in one tax receipt; but shall use a separate and distinct series of numbers or receipts, issued for the taxes of each year for which the same is levied and assessed. The city clerk shall cause all tax receipts to be printed and numbered and firmly bound together in book form, and to be in duplicate, and each duplicate to bear the same number.

§ 189. **Notice of unpaid taxes and demand of payment.**—If any such tax shall remain unpaid after the expiration of thirty days

from the first publication of the notice specified in section one eighty-six of this title, the chamberlain shall forthwith serve or cause to be served upon the persons against whom such tax remains charged, a written notice, requiring him to pay the same to the chamberlain within ten days from the service of such notice. Such notice may be served upon any such person personally, or by leaving at his residence in said city, or by depositing in the post office in said city, properly enclosed in a postpaid wrapper, directed to him at his reputed place of residence. It shall not be necessary to make any other demand or payment of said tax.

§ 190. Collection of tax by sale of personal property.—If any person shall neglect or refuse to pay any tax charged against him, within the ten days above provided, the chamberlain shall forthwith issue his warrant under his hand and the seal of the city and addressed to any constable or police officer of the city, commanding such officer to levy upon any personal property in the city or in the county of Cortland, belonging to or in possession of the person whose tax remains unpaid, and cause the same to be sold at public auction for the payment of such tax, and the fees and expenses of collection; and no claim or property to be made thereto by any other person shall be available to prevent such sale. The officer to whom such warrant shall be delivered shall proceed as therein directed. Public notice of the time and place of sale of the property to be sold shall be given by posting the same in at least three public places in the city at least six days previous thereto. The officer conducting such sale shall return the proceeds thereof together with his warrant to the chamberlain within fifteen days after the same shall have been issued to him. He shall be entitled to charge the same fee as constables are entitled to receive for collecting money by virtue of execution. If the proceeds of such sale shall be more than the amount of such tax, the fees of collection and the expenses of sale, the surplus shall be paid to the person against whom the tax is assessed, unless his right thereto is disputed by some other person, in which case such surplus shall remain in the hands of the chamberlain, without liability on his part or on that of the city for costs, until the rights of the parties thereto shall be determined by due course of law.

§ 191. Collection of tax by civil action.—The chamberlain is hereby authorized and empowered to recover, by action in any court of competent jurisdiction, and in the corporate name of the city, the amount of every tax remaining unpaid after the expiration of ninety days with the additions and fees unpaid thereon, and to recover judgment therefore* with twelve per centum interest thereon and the cost and expenses of such action. The city judge shall have exclusive jurisdiction to try such action when the sum claimed does not exceed five hundred dollars. A transcript of the judgment obtained in such action may be filed, and such judgment docketed in the office of the clerk of Cortland county, and it shall, however small the amount, thereupon become a judgment of the county court of said county, and a lien to the amount of said judgment, upon all real estate of the judgment debtor, situate in said county, and shall have the same priority over any other lien or encumbrance upon, or transfer of the property charged with the tax, for which such action was brought as the lien of the tax sought to be recovered in said action. Upon any judgment recovered for said unpaid taxes and docketed in said county clerk's office, execution may be issued and collected as provided by law and all the provisions of law in reference to sale and redemption of real estate on execution, or to proceedings supplementary to executions, shall apply to sales, redemptions, or such proceedings which may be had under this act.

§ 192. Proceeding in case of failure to collect tax on warrant.—On or before the fifteenth day of June next after any tax shall have been imposed upon any real estate in said county, the chamberlain shall make and deliver to the assessor a transcript of any and all such taxes which remain unpaid, and it shall be the duty of the assessor, on or before the fifteenth day of July thereafter, to make and deliver to the chamberlain a statement containing a brief general description of the location, boundary and estimated quantity of each parcel of said lands, and in case any such lands shall have been erroneously assessed, then it shall be the duty of such officer to make and include in said statement a correct assessment at the same valuation as before, and such corrected assessment and the amount of taxes levied upon said

*So in the original.

lands, shall be as valid and effectual for all purposes as though they had originally been corrected.

§ 193. **Sale of land for unpaid taxes.**—Whenever any such tax, penalty or interest, or any part of either of them, shall remain unpaid on the first day of August, the chamberlain shall proceed to advertise and sell the lands upon which the same was imposed, for the payment of such tax, penalty or interest, or the part remaining unpaid, and the expense of such sale, as hereinafter prescribed, shall also be a charge upon such lands.

§ 194. **Notice for the sale of land for taxes.**—The chamberlain shall cause to be published a notice of such sale containing a description of the lands to be sold and specifying the time and place of sale, in the official newspapers of the city, once a week for at least six successive weeks, immediately prior to day of sale, and shall also post such notice of sale in at least three public places in the city at least forty-two days before the day of sale. On the day named the chamberlain shall commence the sale of such lands, and shall continue such sale from day to day until the whole thereof shall be sold. Before the sale the owner of any parcel of land, or his representatives, or any person interested therein, may avoid the sale thereof by paying the tax or taxes to the chamberlain, with all accrued interest, fees, additions and expenses.

§ 195. **Manner of conducting sale of land for taxes.**—Each parcel shall be sold at public auction to the highest bidder. The purchasers on such sale shall pay the amounts of their respective bids to the chamberlain immediately after each parcel shall be struck off. In case a purchaser shall fail to pay the amount of his bid, as herein prescribed, the chamberlain shall forthwith offer the parcel for sale again, and proceed as though it had not been struck off. Should there be no bid of the amount due on any lot or parcel of land to be sold, then the chamberlain shall bid in the same for the city, and the city is hereby authorized to acquire said parcels, and the common council shall have the care and control of all such parcels and may lease or sell and convey the same. As soon as practicable after the sale, the chamberlain shall prepare and execute in duplicate, as to the parcel sold, a certificate of such sale describing the parcel purchased by a brief general description of the location, boundary and estimated quality thereof, and stating the fact of the sale, the name of the

purchaser, the sum paid therefor, the amount due thereon at the time of the sale, the name of the person or persons against whom such tax was assessed, and the name of the reputed owner thereof. One of said duplicates shall be delivered to the purchaser, or, in case the parcel was struck off to the city, then it shall be retained by the chamberlain. The chamberlain shall deliver the other duplicate certificate to the clerk of the county of Cortland, who shall file said certificate in his office and record the same in a book to be kept in the said clerk's office for that purpose, and shall index the certificate in the name of the person to whom the parcel was assessed, the name of the reputed owner thereof, and in the name of the purchaser in the same book and manner as deeds are required by law to be indexed. The county clerk shall be entitled to receive a fee of fifty cents for each certificate so filed and recorded, which fee shall be paid by the chamberlain and shall be a part of the expenses of the sale of the parcel. If from any cause the chamberlain shall be unable to attend at the time and place of sale, the city clerk of said city may conduct the sale with the same force and effect as though made by the chamberlain.

§ 196. *Disposition of proceeds of sale.*—The proceeds of the sale of each parcel, other than those struck off to the city, shall be applied to the payment of the expenses of the sale as herein provided, and the extinguishment of the tax, penalty or interest for which it was sold and if there shall be any residue, the chamberlain shall hold the same until the owner of the premises at the time of such sale, shall redeem them from the sale as herein provided, and the chamberlain shall pay such owner the said surplus. In all other cases the chamberlain shall hold the same until after the period of redemption shall have expired and then he shall pay such surplus, and the person or persons entitled thereto shall be ascertained in the same manner and by the same proceedings as in the case of surplus or statutory foreclosure of a mortgage or real estate.

In case any taxes shall be assessed and levied upon real estate which has been sold for taxes, subsequent to such sale, and before the redemption thereof or conveyance thereof to the purchaser, and the same shall be unpaid, the chamberlain may deduct the amount thereof from any surplus in his hands of the sum bid for the same, if there be any surplus; if there shall be

no surplus, or the same shall be insufficient to pay such taxes, the person redeeming shall pay the same, otherwise, the purchaser shall pay the same before he shall receive his conveyance of the same.

§ 197. *Redemption of lands.*—The owner of, or any person interested in or having a lien upon any parcel or lot so sold, may redeem the same from such sale at any time within two years by paying to the chamberlain, for the use of the purchaser or his assigns, or, if the same shall have been redeemed by any person other than the owner thereof, then for the use of such person, the sum mentioned in the certificate as having been bid for the premises with interest thereon at the rate of ten per centum per annum from the day of sale, together with any tax or assessment upon said parcel or any part thereof that the said purchaser or assigns, or persons before redeeming, shall have paid between the day of sale and the day of redemption, with interest at the rate of ten per centum per annum upon such tax or assessment from the time of payment. The time during which such redemption may be made shall not commence to run against infants or incompetent persons, until the termination of their disability. In case of the redemption of any land sold for taxes, as herein provided, by the person who was the owner thereof at the time of the sale, the chamberlain shall give such owner a receipt for the amount paid by him to effect such redemption, and on the production thereof by such owner to him, the county clerk shall cancel the certificate of sale by a proper entry at the foot of the record of such certificate in his office.

§ 198. *Notice of redemption.*—At least three months before the expiration of the time for the final redemption of any parcels or lots so sold, the chamberlain shall commence the publication of a notice of redemption from such sales, which shall show the year when the sale took place, and the last day for the redemption of the lands not already redeemed by the owners, without other or further description, and such notice shall be published at least twice in each of said three months, in the official newspapers of the city. A copy of such notice shall be served personally on the owner or occupant of the lands, or, if unoccupied, posted on the premises, at least twenty days before the expiration of such time for final redemption. The publication and service of such notice shall bar and preclude any and all

persons except the purchaser on such sale, or his assigns, or the person finally redeeming, from claiming any interest in or lien upon such lands or any part thereof, in case the said lands shall not be redeemed from such sale hereinbefore provided.

§ 199. **Conveyance of real estate sold for taxes.**—If any parcel or lot so sold shall not be redeemed as herein provided, the chamberlain, immediately after the expiration of the said two years shall execute and deliver to the purchaser, his heir or assigns, or to the city or its assigns, or to the person finally redeeming as the case may be, a conveyance of the real estate so sold, which conveyance shall vest in the grantee an estate in fee, subject only to the liens, if any, of unpaid taxes or assessments thereon. The chamberlain executing such conveyance shall be entitled to demand and receive from the grantee two dollars for preparing every such conveyance, but all purchases made for the city in any year shall be included in one conveyance, and no fee shall be charged therefor. Every such conveyance shall be executed by the chamberlain, and the execution thereof shall be acknowledged before some officer authorized to take and certify acknowledgments of instruments for record in said county, and such conveyance shall be conclusive evidence that the sale and subsequent proceedings were regular and presumptive evidence that all the previous proceedings were regular and according to law. Any such conveyance may be recorded in like manner and with like effect as any other conveyance of real estate. The said grantor or his assigns or the city or its assigns, as the case may be, shall be entitled to have and possess the granted lands from and after the execution of such conveyance, and may cause the occupants of such lands to be removed therefrom and the possession thereof delivered to them, in the same manner and by the same proceedings and by and before the same officers as in the case of a tenant holding over after the expiration of his term without permission of his landlord.

§ 200. **Settlement by chamberlain for taxes collected.**—It shall be the duty of the chamberlain to pay over to the treasurer of Cortland county at the end of each week during the period that the tax roll and warrant is in his hands, all moneys received by him for county and state taxes. He shall take duplicate receipts for each payment, one of which shall be immediately filed with the city clerk. All other moneys received by him for taxes

shall daily be deposited in such banks as are made depositories of the city, by resolution of the common council. Except as otherwise provided by this act, the chamberlain shall settle with the county treasurer for state and county taxes in the manner required by law of town collectors, and with the common council for city taxes and assessments in the same manner. At the time of the delivering to him of the duplicate city roll and tax warrants, the chamberlain shall receipt for the same, and shall then be charged with the whole amount which he is thereby authorized to collect. He shall not be authorized to credit himself with any amount as unpaid on any warrant until he shall make and file with the city clerk an affidavit stating the amount unpaid, and setting forth the reason in each case why such tax or assessment is or has not been collected. The common council may thereupon order and authorize said chamberlain to credit himself with the whole or any part of said tax or assessment unpaid, and the chamberlain shall be credited only with such amount as the common council shall so order. Upon settling with the common council the chamberlain must show that he has duly settled with the county treasurer for state and county funds. The city clerk shall, on the delivery of the blank tax receipts to the chamberlain, charge the chamberlain with the number of receipts delivered, and the chamberlain shall immediately examine the numbering of the receipts and report to the city clerk any irregularity found therein. The chamberlain shall receipt to the city clerk therefor, and shall be held strictly accountable for all receipts found missing at regular settlements; also for all the detached receipts, including receipts, the duplicates of which do not show the entry of taxes. All irregularities in the issuance of receipts that render them worthless must be shown on the face of the original, which must in no case be detached from the duplicate. At the time of the annual settlement the chamberlain shall deliver to the city clerk all duplicates of receipts issued by him, and other receipts delivered and charged by the city clerk to him.

§ 201. Power of common council as to void and erroneous assessments.—The common council of the city may, in its discretion, release, discharge, remit or commute any portion of the taxes assessed or levied against any person or property for any error, irregularity or omission in the levying of said taxes, or in any of

the proceedings relating to the same. In case any assessment shall remain unpaid on account of any irregularity, omission or error in any assessment authorized by this act, or the laws in force when such tax was levied, or in case of error in the description of lands or in the description of the owner or occupants, the common council may, in their discretion, or upon the application of any person interested, proceed to correct such irregularity, omission or error, or cancel, remit or commute such tax, or cause the amount so unpaid to be reassessed on the property, the assessment against which remains unpaid, or upon the owner or occupant thereof; and the common council are hereby authorized and empowered to make such reassessment upon giving ten days' personal notice thereof to the owner, agent or occupant of the property against which the amount remains so unpaid. They may direct the city chamberlain to correct any irregularity, omission or error, and such reassessment or correction shall have the same effect as if said assessment had been properly made. But the common council shall not alter any valuation made by the assessor. Any omission to comply with the provisions of this act in making an assessment or levying a tax, or creating a lien, shall not render such assessment or the tax levied thereunder or the assessment made or lien created thereby, void, but shall be treated as an irregularity merely and it shall be the duty of any and all courts in case it shall appear that such irregularity exists to direct the same to be corrected or amended or the omission supplied, if possible. In case any tax or assessment shall be void, or have failed for want of jurisdiction or for any irregularity, mistake or inadvertance in levying or assessing the same, the common council shall have power, and it shall be their duty to cause the same to be reassessed in a proper manner. Any sum paid thereon shall be credited upon the tax so reassessed, and, if the sum paid shall exceed the amount so reassessed, the excess shall be refunded to the person entitled thereto.

§ 202. Collection of local assessments.—Whenever an assessment shall be ordered for local improvements, the assessment shall be made to resemble in form as nearly as practicable the tax list, and be provided with a column in which payments can be entered by the chamberlain. All provisions relating to the collection of taxes in this act, shall be applicable to the collection of assessments mentioned in this act.

TITLE XII.

CITY COURT.

Section 210. City court.

- 211. Rooms and supplies.
- 212. Jurisdiction in civil actions and proceedings.
- 213. Not to take cognizance of certain actions.
- 214. Process, practice, et cetera; appeals from judgments, et cetera.
- 215. Opening and vacating judgments.
- 216. Evidence.
- 217. Costs and fees.
- 218. Jurisdiction of city judge in criminal cases.
- 219. Amount of fees, et cetera; deposit of fees; account of criminal business; docket to be kept.
- 220. Acting city judge, designation of, et cetera, compensation.
- 221. Compensation of peace officers.
- 222. Rules.

Section 210. City court.—There shall be a city court of civil and criminal jurisdiction. The city judge shall be the judge of the court. The court shall be open for the transaction of business each day in the year, except Sundays and legal holidays, and upon those days for such purposes as are provided by law.

§ 211. **Rooms and supplies.**—The common council of the city shall provide suitable rooms and properly furnish the same for holding court therein; provide for furnishing the necessary blank books, stationery and other necessary articles for the use of said court; and provide for the payment of all necessary expenses of said court, including the compensation of a stenographer, which shall not exceed three dollars per day for reporting trials, nor ten cents a page for transcribing minutes.

§ 212. **Jurisdiction in civil actions and proceedings.**—Except as limited by the next succeeding section, the city court shall have jurisdiction of the following civil actions and proceedings, to-wit:

1. An action to recover damages upon or for a breach of contract, express or implied, other than a promise to marry, when the sum claimed does not exceed five hundred dollars.

2. An action to recover damages for a personal injury or an injury to property, where the sum claimed does not exceed five hundred dollars.

3. An action for a fine or penalty not exceeding five hundred dollars.

4. An action upon a judgment not exceeding five hundred dollars, rendered in said court or in any court of the state of local jurisdiction, not being a court of record.

5. An action to recover one or more chattels, with or without damages, for the taking, withholding or detention thereof, where the value of the chattels as stated in the affidavit of the plaintiff does not exceed the sum of five hundred dollars.

6. To render judgment upon the confession of the defendant where the amount confessed does not exceed the sum of one thousand dollars.

7. Summary proceedings under title two of chapter eighteen of the code of civil procedure, and the application for the removal of a person from real property in such proceedings may be made to the city judge as is provided in section twenty-two hundred and thirty-four of the code of civil procedure and the procedure before the city judge and in the city court shall be as is prescribed by said title.

8. Any other civil action or proceeding of which justices of the peace of towns have jurisdiction, including bastardy cases in which cases the city judge shall sit as the court.

§ 213. Not to take cognizance of certain actions.—The city court shall not take cognizance of a civil action in either of the following cases:

1. Where the title to real property comes in question, as is prescribed in title three of chapter nineteen of the code of civil procedure, and when such question arises, the pleadings and practice shall be the same as are provided by law for courts of justices of the peace in towns in regard thereto.

2. When the action is to recover damages for false imprisonment, libel, slander, criminal conversation, seduction or malicious prosecution.

3. Where, in a matter of account, the sum total of all the accounts of both parties, proved to the satisfaction of the court, exceeds one thousand dollars.

4. Where the action is brought against an executor or an administrator as such, except where the amount of the claim does not exceed the sum of five hundred dollars, and the claim has been duly presented to the executor or administrator and rejected by him.

§ 214. Process, practice, et cetera; appeals from judgments, et cetera.—The process and all mandates of the city court, the service and enforcement thereof, the proceedings thereunder and the practice and procedure in said court, and before the city judge, shall be the same as in courts of justices of the peace in towns, except as otherwise provided in this act, and all provisions of law applicable to justices of the peace in towns and the courts held by them, and the proceedings had before them, and to their official acts, duties and powers, shall apply to the city court and the judge thereof; and appeals may be taken from judgments of the city court, and all proceedings before the city judge may be reviewed and transcripts of judgments filed in the office of the clerk of the county of Cortland and the enforcement of such judgments shall be had in the same manner and with like force and effect as in courts of justices of the peace in towns; and for the purpose of determining the jurisdiction of such city court, except as the same is increased or extended or modified by this act, the city shall be regarded as a town.

§ 215. Opening and vacating judgments.—The city court in civil cases shall have power to open and vacate any judgment rendered therein, upon such terms and conditions as it may deem just, within the time limited for an appeal therefrom, upon application of any party aggrieved thereby, and the city judge may make an order staying in the meantime proceedings, upon such judgment until the hearing and decision of the motion therefor, and upon the service of such order upon the officer having the mandate for the enforcement of such judgment, proceedings for the enforcement thereof shall be stayed accordingly. Five days' notice in writing of the application to open or vacate such judgment must be given by the party making the same; and such notice shall be served as is provided by law, for serving notices of appeal from judgment of a justice of the peace.

§ 216. Evidence.—All entries of the clerk's minutes or copies thereof duly certified by the clerk and the corporate seal thereto annexed, shall for any purpose be evidence in all courts of the

state of the facts therein stated; and in actions and proceedings for the recovery of fines and penalties, the certificate of the clerk of the city, under the corporate seal of said city, setting forth any ordinances, by-law, rule or regulation, and certifying the adoption of the same, and the date of such adoption, shall be presumptive evidence of the existence and adoption of any such ordinance, by-law, rule or regulation.

§ 217. **Costs and fees.**—In all civil actions and proceedings brought in this court, the same costs and fees shall be paid, taxed and recovered as in actions or proceedings before justices of the peace in towns. The court shall demand and receive of the moving party prepayment of all such fees, unless the party shall file an affidavit in writing showing to the satisfaction of the court that the action or proceeding is begun in good faith, and that the applicant is without means to pay such fees, in which case the judge may, in his discretion, issue the proper process, without charging for court fees, but shall in all cases require the applicant to pay in advance the fee of the constable for serving such process. All constables' fees received by the city judge shall be paid to the constable as soon as earned, and all other fees received by him as aforesaid shall belong to the city; and the city judge shall not directly or indirectly receive to his own use any fees or perquisites except his salary. In addition to such fees as may have been paid or incurred by the prevailing party, he shall be allowed as an indemnity in case he has appeared by an attorney admitted to practice in courts of record in this state (and not otherwise), the following sums as expenses:

1. If a judgment is rendered for plaintiff upon default, or by confession, to the plaintiff three dollars.
2. If judgment is rendered for plaintiff otherwise than upon a default, to the plaintiff three dollars, and an additional sum equal to ten per centum of the recovery, when the action is brought to recover a sum of money, or ten per centum of the value of the property as fixed by the judgment, when the action is brought to recover a chattel, but not in any case to exceed twenty-five dollars in all.
3. If a judgment of non suit is rendered for defendant without trial, to the defendant two dollars.
4. If a judgment is rendered for the defendant after trial, except as specified in the next subdivision, to the defendant five

dollars, and the court in its discretion may allow five dollars additional.

5. If an affirmative judgment is rendered for the defendant, to the defendant the same sum as if he had been a plaintiff.

6. No costs or fees shall be allowed or incurred in an action brought upon a judgment of this court, unless such action be brought more than five years after the recovery of the judgment sued on.

§ 218. Jurisdiction of city judge on criminal cases.—The city judge in all criminal actions and proceedings and special proceedings of a criminal nature, for and on account of offenses committed or charged to have been committed within the city, shall have all the jurisdiction and authority which a justice of the peace of a town would have if such offenses were committed or charged to have been committed in the town, including bastardy proceedings, in which latter proceeding it shall not be necessary for the city judge to associate with himself another magistrate. And the city court shall possess and exercise all the powers conferred upon courts of special session, and shall be subject, in the exercise of such powers, to all provisions of law relating to courts of special sessions; and upon conviction in said court for any misdemeanor of which the court has jurisdiction, the same sentence may be imposed as might be imposed were such conviction had in a county court.

§ 219. Amount of fees, et cetera; deposit of fees; account of criminal business; docket to be kept.—The city judge shall keep an accurate account of all fees and fines received, from whom received, the time of receiving the same; and on the first business day of each month shall deposit with the chamberlain the amount thereof received in the last preceding month, with a detailed statement of the items thereof, verified by the affidavit of the city judge to the effect that the same is correct and that it embraces all moneys paid into said court or received by said city judge for fees and fines during the period covered by such statement. He shall also keep an account of all criminal business done by him, which, by law, is now made a charge upon the county of Cortland; and at the annual meeting of the board of supervisors the same shall be audited and ordered paid to the chamberlain of the city. He shall keep an account of all his proceedings and in his docket a complete and accurate record of all process issued from and returned

to said court, and of all proceedings in every civil or criminal action, and all proceedings brought therein or before him, and shall enter therein the judgment and decision of said court or judge. Such docket shall have the same force as evidence in courts of this state as dockets of justices of the peace in towns.

§ 220. **Acting city judge, designation of, et cetera; compensation.**—The mayor shall designate in writing to be filed with the city clerk, an attorney and counsellor-at-law residing within the city, who shall, only during sickness, absence from the city, disability or inability of the city judge to act, exercise in the place and stead of the city judge all of the powers of said judge including jurisdiction in cases then pending before the said city judge. Such designation shall terminate at the expiration of the term of office of the then city judge or sooner at the option of the mayor. The mayor may revoke such designation and redesignate at will. The compensation of said acting city judge shall be such sum as the common council shall determine, not exceeding the sum of five dollars for every day actually spent in the discharge of the duties provided for in this act, be audited, allowed and paid by the common council upon the presentation by such acting city judge of a verified bill of items for his services. Claims for such services, if any, shall be presented to the common council monthly.

§ 221. **Compensation of peace officers.**—The fees and mileage of a peace officer authorized to make arrests in the city of Cortland, and who does not receive a salary from the city in connection with the arrest, examination, conviction and commitment of a tramp, or of a vagrant under subdivision one, five or six of section eight hundred and eighty-seven of the code of criminal procedure, or of a person charged with public intoxication, or with violating section four hundred and twenty-six of the penal code, may be fixed by the common council, for all offenses occurring in the city, but shall in no event exceed the sum of two dollars in any one case.

§ 222. **Rules.**—The city judge may make rules not inconsistent with any law of this state, to govern the practice and procedure in his court, and fixing the sum of money required as a preliminary deposit to secure prepayment of fees by parties in civil actions.

TITLE XIII.

DEPARTMENT OF LAW.

Section 230. The city attorney.

231. Salary.

232. Duties of city attorney.

233. Payment of moneys.

234. Compromise of suits.

235. Employment of counsel.

236. Judgments, report upon to common council.

Section 230. The city attorney.—The city attorney shall be the head of the department of law.

§ 231. **Salary.**—The salary of the city attorney shall be fixed by the common council and he shall receive no fees or other compensation of any kind whatever.

§ 232. **Duties of city attorney.**—He shall be and act as the legal adviser of the common council and of the several officers, boards and departments of the city, and he shall appear for and protect the rights and interests of the city in all actions, suits and proceedings, brought by and against any city officer, board or department; and such officers, boards, or departments shall not employ other counsel. No written contract providing for the payment of two hundred dollars or more, entered into by the city or any of its officers, boards or departments shall be acted under until there shall be endorsed thereon by the city attorney a certificate to the effect that the city officer, board or department, which has executed the same on behalf of the city, had authority and power to make such contract, and that such contract is in proper form and properly executed; and he shall attend to all the law business of the city, and discharge such other duties as may be prescribed in the ordinances of the common council.

§ 233. **Payment of moneys.**—He shall pay over at once to the chamberlain all moneys collected by him for or on behalf of the city, including fines and penalties; and he shall annually, on the first Tuesday of February, file with the mayor of the city an inventory of all the books and property belonging to the city in his custody.

§ 234. **Compromise of suits.**—He shall, whenever he considers that the best interests of the city will be subserved there-

by, enter into an agreement in writing, subject to the approval of the common council, to compromise and settle any claim against the city, which agreement shall be reported to the common council at its next meeting, and be and constitute a valid obligation against the city; and the amount therein provided to be paid shall, with interest thereon at six per centum from its date, be included in the next city tax budget; and when raised by tax be paid to the claimant. If, however, before the adoption of the city tax budget there shall be received by the chamberlain from any source, any moneys not otherwise appropriated, the amount in the agreement provided to be paid shall be paid out of such moneys so received so far as they will satisfy the same.

§ 235. *Employment of counsel.*—The city attorney, with the written consent of the mayor, or when authorized by the common council, may employ counsel to assist him in the argument and conduct of important cases or proceedings in which the city is interested or a party.

§ 236. *Judgments, report upon to common council.*—The amount of any judgment recovered against the city and payable by it, remaining unpaid, with the interest due thereon, in case no appeal is intended to be taken, or in case such judgment is finally affirmed on an appeal taken, shall be reported by the corporation counsel immediately after the same shall have become payable, to the common council; and unless the common council issue bonds to raise money for the payment of the same, such amount shall be raised in the next levy of taxes for the expenses of the city, unless execution upon such judgment shall be stayed. Such judgments shall be paid out of the first moneys paid into the city treasury on account of such levy, in the order of their recovery. Until the money so raised shall be paid into the treasury and payment of judgment refused, no execution shall issue against the city, unless the amount of such judgment shall not have been included in the tax levy; provided, nevertheless, if there be any money in the treasury to the credit of a fund derived from the revenues of the city, other than by taxation and not otherwise appropriated, sufficient to satisfy such judgments, the common council shall direct the payment therefrom of such judgments in the order of their recovery.

TITLE XIV.

ACTIONS BY AND AGAINST THE CITY.

Section 240. Limitation of action against the city.

241. No disqualification as judge or juror because of residence in city.

242. Civil actions to recover penalties.

Section 240. Limitation of actions against the city.—No action or proceeding to recover or enforce any claim, debt or demand against the city shall be brought until the expiration of thirty days after the claim, debt or demand shall have been presented to the common council for audit. All actions brought against the city upon any contract, liability, expressed or implied, must be commenced within one year from the time that the cause of action accrued, or if for injuries to the person or property, caused by negligence, within one year from the time receiving the injuries, and in other cases within six months after the refusal of the common council to allow the claim; and no action or proceeding shall be maintained against the city for personal injuries unless notice in writing of the intention to claim damages and of the time and place at which such injuries were received and the nature and extent of such injuries, shall have been filed with the corporation counsel within one month after such injury shall have been received and an omission to present such notice, within the time as above provided shall be a bar to an action thereon against the city.

§ 241. Disqualification of judge or juror because of residence in the city.—No person shall be disqualified for acting as judge or juror by reason of being an inhabitant or freeholder in the city of Cortland and in any action or proceeding in which the city is a party or interested.

§ 242. Civil actions to recover penalties.—Civil actions to recover any penalties or forfeiture incurred under this act may be brought in any court having jurisdiction thereof. Such action shall be brought in the corporate name of said city and, in any action brought in the city court, it shall be lawful to complain generally for the amount of such penalty or forfeiture stating the section of this act or of the ordinance under which the penalty is claimed, and to give the special matter in evidence,

and the defendant may answer by simply denying the truth of the complaint and give the special matter in evidence. If such action be brought in the city court against an alleged owner of real property, the fact that title to real property comes in question on the pleadings or appears on the trial shall not deprive the court of jurisdiction, but may be litigated and determined by the judge as the right of the case may appear; but such judgment shall not be evidence concerning the title of real property in any other action or proceeding. The first process, in any such action, brought in the city court shall be by summons, which may be made returnable forthwith and an execution may be issued immediately on the rendition of judgment. All penalties and forfeitures shall be forthwith, upon collection, paid to the city chamberlain to the credit of the general city fund; when any judgment shall be rendered in the city court in favor of or against the city of Cortland in any action brought for the recovery of any penalty or for forfeiture or in any other action in which the city of Cortland shall be a party, the city judge shall within ten days thereafter file with the city clerk a transcript of such judgment for which he shall be entitled to charge the sum of twenty-five cents and include the same in the costs of said judgment; and in case the said judge shall omit to file such transcript or to do any of the acts above described he shall forfeit the sum of twenty-five dollars for each and every of such omissions, to be recovered in an action by the city against said city judge. Whenever a judgment in favor of the city shall be recovered for twenty-five dollars or upwards, exclusive of costs, a transcript thereof may be filed in the office of the clerk of Cortland county and thereupon the same shall become a lien upon the property of the defendant in such judgment to the same extent, and may be collected and enforced in the same manner as other judgments recovered before justices of the peace and transcripts filed in pursuance of the laws of the state of New York.

TITLE XV.

MISCELLANEOUS.

Section 250. Adjustment of property and liabilities of town of Cortlandville.

251. Continuation of village officers.

252. Continuation of town officers.

Section 253. First election of elective city officers.

254. No vacancies in certain offices before **January first**, nineteen hundred one.

255. Continuance of village ordinances.

256. Limitation of city indebtedness.

257. First official and fiscal year.

258. Unpaid taxes.

259. Village funds to be paid to chamberlain.

260. All moneys to be paid to chamberlain.

261. The city chamberlain to borrow money for current expenses.

262. Reading of charter, ordinances, records, et cetera, in evidence.

263. Village assessments, liens, et cetera.

264. Expenses of preparing charter.

265. Repealing act.

266. Time when act shall take effect.

Section 250. Adjustment of property and liabilities of town of Cortlandville.—The city of Cortland shall be liable for its proportion of the debts, demands and claims, existing at the time of the passage of this act, against the town of Cortlandville, to be ascertained and adjusted as provided in this act. The present board of town auditors of the town of Cortlandville shall, within twenty days after the passage of this act, meet and ascertain and audit all debts, claims and demands against said town and adjust the amount or proportion thereof to be paid by the city of Cortland and by the town of Cortlandville, respectively, according to the respective valuation of said city and town on last assessment roll. The said board shall make a statement in duplicate showing the amount of such indebtedness and the proportional amount thereof to be paid by said city and said town respectively and file one copy thereof with the town clerk of the town of Cortlandville and the other with the city clerk of the city of Cortland and the debt of said city and said town, so adjusted, shall be paid the same as the other debts existing against said city and said town respectively. All unexpended moneys belonging to the town of Cortlandville and remaining in the hands of the supervisors of said town shall thereupon be apportioned by said board of town auditors of the town of

Cortlandville, between the city of Cortland and said town of Cortlandville in the manner and on the basis as hereinbefore provided. The amount apportioned to the city of Cortland shall be paid by said supervisor to the acting chamberlain of said city to the credit of the general fund and the amount apportioned to the town shall be paid to his successor in office as such supervisor of said town, and receipts taken therefor, and thereupon said supervisor shall be released from all further responsibility therefor. The said board of town auditors shall also apportion in the same manner all this property and effects, as the same may be valued by it, the said property to be retained by said town, at the valuation placed upon it by said board of town auditors, and said town charged on said settlement with the amount of the city's interest therein, as determined in the manner hereinbefore specified. Within twenty days after the passage of this act the county treasurer of the county of Cortland shall open new accounts for the city of Cortland and the town of Cortlandville respectively and shall in like manner as hereinabove stated apportion the amounts due the city of Cortland and the town of Cortlandville respectively. Said county treasurer shall certify to the acting chamberlain of the city of Cortland the amount in the county treasury to the credit of the city of Cortland.

§ 251. Continuation of village officers.—The president of the village of Cortland shall be the mayor of the city of Cortland from the time of the passage of this act until and including the thirty-first day of December, nineteen hundred. The following elective officers of the village of Cortland shall be and constitute the following officers of the city of Cortland from the time of the passage of this act until and including the thirty-first day of December, nineteen hundred. The trustees of the village shall be the aldermen of the city representing the several wards in which they respectively reside; the police justice shall be the city judge of the city. Each of the officers hereinabove mentioned shall, before entering upon the duties of his office as such city officers, qualify in accordance with the provisions of this act. The following appointive officers of said village shall, respectively, be the officers of said city until their successors are appointed, to wit: The clerk of said village shall be the clerk of the city; the chief of police and policemen of the village shall

be respectively the chief of police and policemen of the city, the chief engineer and first and second assistant engineers of the fire department of the village shall be respectively, the chief engineer and first and second assistant engineers of the city, the firemen and fire companies of the village shall be the firemen and fire companies of the city; the board of health of the village shall be the board of health of the city, the board of education of said village shall be the board of education of said city. On the first Monday after the passage of this act at seven o'clock in the afternoon the mayor and the aldermen of said city hereinbefore mentioned shall meet in the office of the city clerk and organize as a common council. The mayor shall thereupon, before any other business is transacted by said common council present to said common council for appointment the names of two aldermen one for each unrepresented ward in said city, the term of office of each of whom shall continue until and including the thirty-first day of December, nineteen hundred. If the names presented are confirmed by the common council the persons so appointed shall forthwith be notified of their appointment by the clerk and may at once qualify and take their seats as members of said common council. If the names presented to the common council are rejected, the mayor shall continue to present names of persons to fill such offices until his nominations are confirmed. At a meeting subsequent to said first meeting and within ten days thereafter, an acting chamberlain of said city, a commissioner of charities, and an assessor to perform the duties of the elective assessor, shall in like manner be appointed on the nomination of the mayor and the confirmation of the common council and said appointee shall continue in said office until and including the thirty-first of December, nineteen hundred. His compensation shall be fixed by the common council. Such elective village officers as are continued by the provisions of this act as city officers shall be entitled to the same salary compensation as they receive as officers of the village of Cortland. Such village appointive officers as are continued as city appointive officers shall be entitled to such compensation as shall be fixed by the common council.

§ 252. Continuation of town officers.—The justices of the peace of the town of Cortlandville, whose offices are within the limits of said city at the time of the passage of this act shall be and con-

tinue as justices of the peace and have jurisdiction over that portion of the town of Cortlandville included by this act within the city of Cortland until and including the thirty-first day of December, nineteen hundred. The constables of the town of Cortlandville residing within the limits of said city at the time of the passage of this act shall be and continue as constables of said city until and including the thirty-first day of December, nineteen hundred, provided said persons duly qualify as constables of said city within ten days after the passage of this act.

§ 253. **First election of elective city officers.**—At the first city election held under the provisions of this act on the first Tuesday after the first Monday in November, nineteen hundred, there shall be elected by the city at large a mayor, a chamberlain, a city judge, an assessor and two constables for the term of office provided in this act; there shall also at same time be elected by each ward a supervisor for the term of office provided in this act and by the first, third and fifth wards each an alderman for a term of one year and by the second, fourth and sixth wards an alderman for a term of two years. The term of office of the supervisor elected in each ward at the first city election shall commence upon the completion of the canvass and declaration of the result of the votes cast at such election.

§ 254. **No vacancies in certain offices before January first, nineteen hundred one.**—No vacancies shall be held to exist in any of the city or ward offices enumerated in this act prior to the first day of January, nineteen hundred one, by reason of the failure to provide herein for the occupancy of said offices to such date.

§ 255. **Continuance of village ordinances.**—All existing ordinances, by-laws, resolutions, rules and regulations of the village of Cortland shall be and continue in force in the city of Cortland with the same force and effect as if duly adopted and published by the common council as ordinances of the city, except as the common council shall modify, amend or repeal the same, subject to the provisions of this act.

§ 256. **Limitation of city indebtedness.**—The city of Cortland shall not incur indebtedness if thereby its total contract indebtedness, exclusive of liabilities for which taxes have already been levied, shall exceed eight per centum of the assessed valuation of the real property of said city, subject to taxation, as it appeared on the last preceding city assessment-roll.

§ 257. **First official and fiscal year.**—The first official and fiscal year of said city shall commence upon the date of the taking effect of this act and shall end with the thirty-first day of December, nineteen hundred, but for the purpose of computing the compensation to which the city officers shall be entitled during said first official year the time of actual service shall be the basis.

§ 258. **Unpaid taxes.**—The city of Cortland shall be entitled to all unpaid taxes of the village of Cortland and the same shall be collected and enforced by the same proceedings and process that the city taxes may be collected and enforced.

§ 259. **Village funds to be paid to chamberlain.**—All funds of the village of Cortland in the hands of the receiver of taxes and the treasurer of the said village at the time this act takes effect shall, except as herein otherwise provided be paid over by said receiver of taxes and treasurer to the acting chamberlain of said city as soon as he shall be appointed and the common council, shall, as soon as practicable, audit and order paid therefrom the various claims properly chargeable to said fund.

§ 260. **All moneys to be paid to chamberlain.**—All officers or other persons who shall receive any money for or belonging to the city, by or under the provisions of this act, or otherwise, shall, within ten days after its receipt, pay the same over to the chamberlain of the city and take his receipt therefor except as otherwise provided in this act.

§ 261. **The city chamberlain to borrow money for current expenses.**—The city chamberlain or acting city chamberlain shall, with the approval of the common council expressed by resolution, have the power to borrow money on the credit of the city for the payment of current city expenses, in anticipation of taxes already levied but not in excess of the amount levied.

§ 262. **Reading of charter, ordinances, records, et cetera, in evidence.**—The charter of the city of Cortland may be read in evidence from the volume of session laws of the state of New York, containing said charter, from the volume printed by the authority of the common council or from a certified copy made by the city clerk or from the volume of ordinances and by-laws provided by authority of common council; and all records and accounts of the city which the city officers are required by law to keep, shall be presumptive evidence of the truth of their contents in any court.

§ 263. **Village assessments, liens, et cetera.**—All taxes heretofore levied and all assessments made and liens declared by the village of Cortland or the board of trustees thereof upon property in said village shall be, remain and continue existing liens against said property and enforceable by the city of Cortland in the manner hereinbefore provided, and all assessments heretofore made and liens created or assumed to be created by the village of Cortland or board of trustees thereof against property in said village are hereby legalized, confirmed, ratified, approved and declared lawful and are made valid liens in favor of said city of Cortland and enforceable by said city in the manner hereinbefore provided. But the provisions of this act shall not in any manner affect any actions heretofore commenced and now pending against the said village of Cortland or the officers thereof. The common council of said city shall have the authority and is hereby empowered to accept the surrender of any franchise or any right, or rights, given under any franchise heretofore granted by the board of trustees of the village of Cortland, without any impairment of any of the remaining rights granted under said franchise and on such terms as the common council may deem just. The application heretofore made and the proceedings and actions taken heretofore by the board of trustees of the village of Cortland with reference to the pavement of Groton avenue in said village shall be assumed, confirmed and continued by the board of public works under, and pursuant to, the provisions of this act, the same as if said application had been made under this act or the proceedings for the pavement of said street had originated with, or been instituted by, said board of public works, according to the provisions of this act and the petition heretofore presented to the board of trustees of the village of Cortland by the property owners of said street requesting the pavement of the same shall be considered a sufficient consent of the property owners as required by the provisions of this act and no further consent of the property owners shall be necessary under the provisions of this act, but the pavement and improvement of said street shall be completed on the petition heretofore filed.

§ 264. **Expenses of preparing charter.**—The common council is hereby authorized to audit and pay such sum or sums as shall be necessary to pay the expenses incurred in preparing this charter

for presentation to the legislature, not exceeding the sum of two hundred and fifty dollars.

§ 265. **Repealing act.**—Chapter three hundred and forty-two of the laws of eighteen hundred and eighty-nine, and the acts amendatory thereof are hereby repealed.

§ 266. **Time when this act shall take effect.**—This act shall take effect immediately.

Chap. 161.

AN ACT to make the office of county clerk of the county of Greene a salaried office, and to provide for the conduct of said office.

Became a law, March 16, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Continuation of present provisions of law.

Section 1. All the provisions of law now in force, regulating and covering the fees, perquisites and emoluments of the county clerk of the county of Greene now in office, shall remain in full force and effect until the expiration of his present term of office, or until the appointment or election of his successor.

Annual salary of county clerk.

§ 2. Hereafter, and upon the appointment or election of a successor to the said clerk now in office, there shall be allowed to the county clerk of the county of Greene for the full management and care of said office and for the pay of said county clerk, his deputies, special deputies and all assistants, and for the performance of all duties prescribed by law directly or indirectly by said clerk, his deputies, special deputies and assistants, and all duties which he or they may perform by virtue of that office, including all duties in connection with the board of canvassers, an annual salary of forty-two hundred dollars per annum, payable quarterly by the county treasurer, and it shall be the duty of the board of supervisors of said county to provide said treasurer with adequate funds to meet the requirements of this act. There shall be one deputy clerk, and said county clerk shall appoint such deputy and as many assistants as may be necessary for a prompt and faithful discharge of the duties of said office; and out of said salary the said county clerk shall pay for all services of such deputy and assistants and for all help required in the perform-

Deputy and assistants.

ance of the duties of said office. The said salary shall not be increased or diminished during the term of office of any county clerk of said county hereafter elected or appointed, and no other compensation shall be allowed to or received by him or his deputy or any assistant for or on account of the performance of any duty pertaining to said office.

Restriction
as to salary
and com-
pensation.

§ 3. Upon the election or appointment of a successor to the clerk of said county now in office, all the fees, perquisites and emoluments, including fees for searches and certificates thereof, which such clerk shall charge or receive, and which he shall legally be authorized, required or entitled to charge and receive, shall belong to the county of Greene. It shall be his duty to exact, collect and receive the full amount allowed by law of all such fees, emoluments and perquisites, for said county, and said clerk shall require payment in advance for recording all papers left with him for record and shall also in each case require payment for all other services rendered by him or by his assistants in his or their official capacity by virtue of any law of this state, or by order of the board of supervisors of said county, or any duty that may hereafter by law devolve upon him. But such clerk shall not charge or receive any fees for services in pension cases, rendered for a pensioner of the United States, or an applicant for a pension.

Fees, etc.,
to belong to
county.

Collection
of fees, etc.

No fees
chargeable
in pension
cases, etc.

§ 4. Such clerk shall keep in a proper book or books to be provided at the expense of said county, an exact and true account of all official services performed by him or his assistants, and of all money, fees, perquisites and emoluments received or chargeable by him or them pursuant to law, which book or books shall constitute a part of the records of said office and shall at all times during office hours be open to the inspection, without fee or charge therefor, of all persons desiring to examine the same.

Account of
official ser-
vices.

§ 5. Such clerk shall make a full and true statement at the end of each calendar month of all moneys received each day during that month by him or his assistants for fees, perquisites and emoluments for all services rendered by him or them in his or their official capacity, and shall transmit and deliver such statement to the county treasurer of said county within ten days thereafter. Such statement shall specify in the following way, the amount so received during that calendar month: for recording deeds. For recording mortgages. For recording other documents and pa-

Monthly
statement
of receipts

pers. For docketing judgments and cancelling dockets. For searches and certificates thereof. For certificates, copies and exemplifications of papers and records. For filing papers and any and all other services. The statement shall also show the total receipts for said month. Each such statement shall have attached thereto an affidavit of said county clerk to the effect that the same is in all respects a full and true statement as herein required.

Verifica-
tion.

Payment
over of
moneys.

§ 6. At the time of rendering every such statement, such clerk shall pay over to the treasurer of the county of Greene, for the benefit of said county, the whole amount of the moneys so received by him during the month covered by such statement.

Office
expenses.

§ 7. All the expenses of lighting and heating the county clerk's office of said county, for stationery and books properly used therein shall be a county charge, and shall be paid for by said county.

Official
bond.

§ 8. Every county clerk hereafter elected or appointed in said county shall, before entering upon the duties of said office, execute to the people of this state and file with the county treasurer of said county, a bond in the penal sum of ten thousand dollars with two or more sufficient sureties who shall be freeholders, or a fidelity or surety company authorized by the laws of this state to transact business therein, which bond shall be approved as to its form and sureties by the county judge of said county. Such bond shall be conditioned, that said county clerk shall well and faithfully perform and discharge all the duties of his said office, during his term in the said office by virtue of his said election or appointment, and all trusts imposed upon and reposed in him by law or by virtue of his office, and shall safely keep and pay over to said county treasurer, as herein provided, all moneys which shall come into his hands, or the hands of his assistants, in the discharge of his or their official duties, and render a just and true account thereof to the county treasurer of said county and to the board of supervisors when required, and obey all orders and directions of a competent court relating thereto, and reimburse and save harmless said county from any liability, cost or damages arising from certifying of searches. And if any such clerk shall neglect for ten days after the commencement of the term for which he shall have been elected or appointed to execute and file such bond according to the provisions of this act, the office shall thereupon be and become vacant.

Failure to
file bond.

§ 9. Any officer referred to in this act, or any person employed by the said county clerk, under the provisions of this act, who shall receive to his own use or neglect to account for any money, fees, perquisites or emoluments by this act declared to belong to and be for the benefit of Greene county, or any such county clerk who shall neglect to render to said county treasurer an account of all the fees received at or in connection with said county clerk's office, and to pay over the same as herein required, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit his office and shall be punished by fine or imprisonment, or both at the discretion of the court before whom said officer may be convicted, and shall be liable to said county in a civil action for all moneys so received and not accounted for.

Certain acts a misdemeanor.

§ 10. The county of Greene shall not be held responsible for any of the official acts or failure to act of said county clerk or any of his deputies, special deputies, assistants or other persons employed by him to assist him in the performance of his official duties, or any duties devolving upon him or them by virtue or by reason of his holding said office or appointment thereunder.

County not responsible.

§ 11. All acts or parts of acts inconsistent herewith in so far as the same may relate to Greene county, are hereby repealed.

Repeal.

§ 12. This act shall take effect immediately.

Chap. 162.

AN ACT to amend chapter eight hundred and fifty-seven of the laws of eighteen hundred and ninety-five, in relation to the powers of the commissioners of the battlefields of Gettysburg and Chattanooga.

Became a law, March 16, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section five of chapter eight hundred and fifty-seven of the laws of eighteen hundred and ninety-five, entitled "An act making appropriations for continuing the work of erecting suitable monuments, memorial structures or markers in honor and to the memory of soldiers from the state of New York, who were engaged in the military operations around Chattanooga, comprising the battles of Wauhatchie, Lookout Mountain, Mis-

Act amended.

sionary Ridge and Ringgold, in the year eighteen hundred and sixty-three," is hereby amended to read as follows:

Monument
on Lookout
Mountain.

§ 5. The board of commissioners of the battlefields of Gettysburg and Chattanooga referred to in section one of this act, are authorized to place on the monument to be erected on Lookout Mountain, a bronze group of statuary representing "Reconciliation," according to designs approved by the commissioners, at a cost not exceeding eleven thousand dollars.

§ 2. This act shall take effect immediately.

Chap. 163.

AN ACT to amend the county law relating to the duties of boards of supervisors.

Became a law, March 19, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

County law
amended.

Section 1. Article four of chapter six hundred eighty-six of the laws of eighteen hundred and ninety-two, known as the county law, entitled, "An act in relation to counties, constituting chapter eighteen of the general laws," is hereby amended by adding at the end thereof a new section to be known as section eighty-one and to read as follows:

Definition
of words
used in
article.

§ 81. Wherever the words "upon its borders," are used in this article in reference to the boundary line between two towns, the same is and was intended and shall be construed to mean "upon," "along," and "across its borders."

§ 2. This act shall take effect immediately.

Chap. 164.

AN ACT in relation to the capital stock of corporations.

Became a law, March 21, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Defect in
capital of
certain cor-
porations
may be
made good.

Section 1. Any corporation, company or association which has filed an affidavit with the clerk of the county wherein such corporation, company or association is organized as required by chap-

ter four hundred and nine of the laws of eighteen hundred and eighty-two, or that of chapter two hundred and seventy-seven of the laws of eighteen hundred and eighty-eight, setting forth that the capital stock or such portion thereof as by the charter of said company required to be paid, has been paid and there shall have been found a deficit in said capital so certified as aforesaid, said corporation, company or association is authorized and empowered to make good such deficit within six months from the passage of this act, by a pro rata assessment of the unpaid subscriptions to the capital stock of such corporation, company or association to an amount not exceeding the unpaid sum due on said stock subscribed.

Pro rata
assessment.

§ 2. Said corporation, company or association shall notify in writing the subscribers to said capital stock, the amount of said assessment required to make up said deficit, the day the same shall be paid, either personally or by enclosing the notice in a sealed envelope addressed to the subscribers aforesaid, postage paid, to the last known place of each, their residence and deposit the same in the United States post office, and on the failure of said subscribers to pay said assessment within thirty days after the date fixed for payment, the said subscription shares shall be sold at public auction for the best price bidden therefor, and the proceeds of such sale be applied to make up said deficit, and the purchaser of said subscription shares shall have the right to pay to said corporation, company or association the said assessment and receive the stock of said company for the amount so paid and should the purchaser at said sale fail to pay into said company the amount of said assessment within five days from the date of sale, the corporation, company or association may thereafter accept the amount of said assessment from any other person or persons, acceptable to the board of directors of said corporation, company or association, and issue its stock therefor.

Notice of
assessment.

Failure to
pay assess-
ment.

§ 3. Within thirty days from the time said deficit is paid into said corporation, company or association it shall file an affidavit, with the clerk of the county aforesaid, setting forth that the whole of the capital of said company has been paid, and is on hand or such portion thereof as by law is required to be paid, before commencing business and upon the filing of such affidavit, such corporation is authorized to do business.

Affidavit of
payment
of capital.

§ 4. This act shall take effect immediately.

Chap. 165.

AN ACT to extend the rights and powers of the Hebrew Technical Institute.

Became a law, March 21, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Objects of
Institute
enlarged.

Section 1. The Hebrew Technical Institute is hereby authorized and empowered to establish and maintain an institute for the technical education of Israelites and others, and the objects of said institute are hereby enlarged accordingly.

Real and
personal
property.

§ 2. The Hebrew Technical Institute is hereby empowered to take, hold, and receive any property, real or personal, by virtue of any single devise or bequest contained in any last will or testament of any person whatsoever, whether made heretofore or to be made hereafter, the clear annual income of which devise or bequest shall not exceed the sum of fifty thousand dollars, all other provisions of law, except as to the amount of such annual income, to continue in force and effect with reference to said corporation.

§ 3. This act shall take effect immediately.

Chap. 166.

AN ACT for the relief of the Mount Sinai Hospital of the city of New York and to authorize a change of certain leases made by the mayor, aldermen and commonalty of the city of New York to the Mount Sinai Hospital, to a grant to said hospital and to authorize the sale or leasing of the property covered thereby, by the said Mount Sinai Hospital.

Accepted by the city.

Became a law, March 21, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Change of
leases
authorized.

Section 1. The commissioners of the sinking fund of the city of New York are hereby authorized and empowered to change, modify or alter two certain leases dated January first, eighteen

hundred and ninety-four, affecting premises located at or near the northeast corner of Lexington avenue and Sixty-seventh street, in the city of New York, made by the mayor, aldermen and commonalty of the city of New York, for a period of ninety-nine years from the first day of January, eighteen hundred and ninety-four, at an annual rental of one dollar, and recorded in the office of the register of the county of New York, on the twenty-third day of October, eighteen hundred and ninety-four, in section five, liber thirty-one of conveyances, the one on page two hundred and thirty-four and succeeding pages, and the other on page two hundred and thirty-seven and succeeding pages, to a grant of said premises, and so as to permit and authorize the said Mount Sinai hospital to sell and convey in fee simple absolute the whole or any part of said premises, or to lease the said property or any part or portion thereof for such term or terms as shall be deemed proper by said hospital, and said hospital shall thereupon devote the proceeds of such sale or the income from such lease or leases as may be made by it to the maintenance and support of said hospital, but nothing herein contained shall be construed to compel the vendee or lessee to see to the proper application of the purchase price or rent, nor shall any misapplication thereof affect the validity of such deeds or leases by the Mount Sinai hospital.

Sale or lease
of property.

Proviso.

§ 2. This act shall take effect immediately.

Chap. 167.

AN ACT making a reappropriation for an additional dormitory at the State Custodial Asylum for Feeble-minded Women at Newark, New York, and appropriating additional money therefor.

Became a law, March 21, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. For erecting and completing an additional dormitory, including heating and lighting, as per drawings prepared by the state architect, for the accommodation of not less than fifty inmates at the State Custodial Asylum for Feeble-minded Women at Newark, New York, there is hereby reappropriated from the

Reappropriation to
additional
dormitory.

Additional
appropriation.

moneys heretofore appropriated for said purpose by chapter six hundred and six of the laws of eighteen hundred and ninety-eight, the sum of eighteen thousand dollars, to which reappropriation the additional sum of eight thousand dollars is hereby appropriated for said purpose from moneys in the treasury not otherwise appropriated, and for furnishing said dormitory including the kitchen equipment, two thousand dollars

Expenditure and when available.

§ 2. The money appropriated by this act shall be expended under the supervision provided by law, and no part of any item shall become available until contracts for completing such item within the amount appropriated therefor shall have been made and bonds for the completion of the work duly approved and filed with the comptroller.

§ 3. This act shall take effect immediately.

Chap. 168.

AN ACT to amend chapter seven hundred and forty-seven of the laws of eighteen hundred and ninety-six, entitled "An act to revise and consolidate the several acts in relation to the city of Kingston, to revise the charter of said city, and to establish a city court therein and define its jurisdiction and powers," in relation to local improvements, as amended by chapter five hundred and ninety-three of the laws of eighteen hundred and ninety-nine.

Accepted by the city.

Became a law, March 21, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City charter amended.

Section 1. Section one hundred and fifty-one of chapter seven hundred and forty-seven of the laws of eighteen hundred and ninety-six, as amended by chapter five hundred and ninety-three of the laws of eighteen hundred and ninety-nine, is hereby further amended so as to read as follows:

Contracts for local improvements.

§ 151. All improvements to be paid for by special assessment shall be by contract let to the lowest responsible bidder and shall be paid for only from the funds raised, levied and collected for such improvements subject to the provisions of this

section. The common council, however, after the damages, costs and expenses in condemnation proceedings taken pursuant to section one hundred and forty-four of this act have been fixed by the order of confirmation in such proceedings, and monthly during the continuance of work under a contract for any local improvement, made pursuant to section one hundred and forty-seven of this act, the contractor for which shall have furnished a satisfactory bond, approved by the mayor for its completion, shall direct the mayor and city treasurer to execute under the seal of the city the bonds or promissory notes of the city for such sums as will pay the amount of the damages, costs and expenses in such condemnation proceedings as fixed by such order of confirmation or seventy-five per centum of the amount of the monthly estimates of work performed by such contractor during the preceding month, to be determined as hereinafter prescribed; and on the completion of such work for the balance due on the contract. Such bonds or notes shall bear interest at a rate not exceeding four per centum per annum, payable annually. The principal thereof shall be made payable at a time to be fixed by the common council, not to exceed five years and six months from the date of issue where the total amount to be paid under the order of confirmation or contract for local improvement is less than ten thousand dollars or ten years and six months in any other case. The city treasurer, under the direction of the common council, shall sell or dispose of said bonds or notes to the highest bidder by a sale at public auction at not less than par after publication of a notice of such sale for at least eight days in the official newspapers of said city. The proceeds of the sale of such bonds or notes shall be used for no other purpose than to defray the cost and expense of the improvement on account of which they are issued which particular improvement shall be stated in each bond or note. The principal and interest of such bonds or notes shall be paid by the city treasurer when due out of the amount collected on the special assessment on account of which they were made. If there is not sufficient money collected on such assessments in the hands of the city treasurer, to pay the amount of any such bond or note when it becomes due, the common council shall borrow upon the note or notes of the city the amount required to pay such deficiency, which note or notes shall be paid out of

Issue of
bonds or
notes
therefor.

Sale and
application
of proceeds.

Payment
of principal
and interest.

Additional
appropriation.

moneys heretofore appropriated for said purpose by chapter six hundred and six of the laws of eighteen hundred and ninety-eight, the sum of eighteen thousand dollars, to which reappropriation the additional sum of eight thousand dollars is hereby appropriated for said purpose from moneys in the treasury not otherwise appropriated, and for furnishing said dormitory including the kitchen equipment, two thousand dollars

Expendi-
ture and
when
available.

§ 2. The money appropriated by this act shall be expended under the supervision provided by law, and no part of any item shall become available until contracts for completing such item within the amount appropriated therefor shall have been made and bonds for the completion of the work duly approved and filed with the comptroller.

§ 3. This act shall take effect immediately.

Chap. 168.

AN ACT to amend chapter seven hundred and forty-seven of the laws of eighteen hundred and ninety-six, entitled "An act to revise and consolidate the several acts in relation to the city of Kingston, to revise the charter of said city, and to establish a city court therein and define its jurisdiction and powers," in relation to local improvements, as amended by chapter five hundred and ninety-three of the laws of eighteen hundred and ninety-nine.

Accepted by the city.

Became a law, March 21, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City charter
amended.

Section 1. Section one hundred and fifty-one of chapter seven hundred and forty-seven of the laws of eighteen hundred and ninety-six, as amended by chapter five hundred and ninety-three of the laws of eighteen hundred and ninety-nine, is hereby further amended so as to read as follows:

Contracts
for local
improvements.

§ 151. All improvements to be paid for by special assessment shall be by contract let to the lowest responsible bidder and shall be paid for only from the funds raised, levied and collected for such improvements subject to the provisions of this

section. The common council, however, after the damages, costs and expenses in condemnation proceedings taken pursuant to section one hundred and forty-four of this act have been fixed by the order of confirmation in such proceedings, and monthly during the continuance of work under a contract for any local improvement, made pursuant to section one hundred and forty-seven of this act, the contractor for which shall have furnished a satisfactory bond, approved by the mayor for its completion, shall direct the mayor and city treasurer to execute under the seal of the city the bonds or promissory notes of the city for such sums as will pay the amount of the damages, costs and expenses in such condemnation proceedings as fixed by such order of confirmation or seventy-five per centum of the amount of the monthly estimates of work performed by such contractor during the preceding month, to be determined as hereinafter prescribed; and on the completion of such work for the balance due on the contract. Such bonds or notes shall bear interest at a rate not exceeding four per centum per annum, payable annually. The principal thereof shall be made payable at a time to be fixed by the common council, not to exceed five years and six months from the date of issue where the total amount to be paid under the order of confirmation or contract for local improvement is less than ten thousand dollars or ten years and six months in any other case. The city treasurer, under the direction of the common council, shall sell or dispose of said bonds or notes to the highest bidder by a sale at public auction at not less than par after publication of a notice of such sale for at least eight days in the official newspapers of said city. The proceeds of the sale of such bonds or notes shall be used for no other purpose than to defray the cost and expense of the improvement on account of which they are issued which particular improvement shall be stated in each bond or note. The principal and interest of such bonds or notes shall be paid by the city treasurer when due out of the amount collected on the special assessment on account of which they were made. If there is not sufficient money collected on such assessments in the hands of the city treasurer, to pay the amount of any such bond or note when it becomes due, the common council shall borrow upon the note or notes of the city the amount required to pay such deficiency, which note or notes shall be paid out of

Issue of
bonds or
notes
therefor.

Sale and
application
of proceeds.

Payment
of principal
and interest.

Interest on
install-
ments.

Payment of
entire
assessment.

Collection
of unpaid
install-
ments.

Council
may pro-
vide for
payment
of certain
damages,
etc.

Exception
of improve-
ments.

one of such equal annual installments, shall be due and payable annually thereafter in the same manner, and without any further or additional notice, until the whole amount of such special assessment is paid. There shall be due and payable with each installment of said assessment, as a part of the assessment, interest at the rate borne by the bonds or notes issued to provide money to pay for such improvement as hereinbefore provided upon the entire amount of such assessment remaining unpaid. The owner of any lot or parcel of land so assessed may at any time pay to the city treasurer the entire amount of the assessment on his land with the interest accrued thereon up to the time of such payment, and thereupon such lot or parcel of land shall be discharged of and from the lien of such assessment. In case any installment of such assessment, together with the interest due thereon, shall not be paid when it shall become due and payable as herein provided, the same proceedings shall be had for the collection of such unpaid assessments, including the sale of the lands against which said assessments may have been assessed as are authorized and provided by title twelve of this act, for the collection of taxes, levied by the said common council in said annual tax levy. In case of the sale by the owner of the lands assessed, they shall be sold subject to the lien of all portions of such assessments as shall be payable subsequently, and all other city assessments then a lien thereon. The common council may provide for the payment of the damages, costs and expenses in the condemnation proceedings brought by the city of Kingston against the Union Plank Road Company of the city of Kingston and others, amounting to the sum of eight thousand, nine hundred and twenty-two dollars and ninety-nine cents, and of the damages, costs and expenses in the condemnation proceedings brought against Matilda O. Terry and others amounting to the sum of three thousand, one hundred and twenty dollars and seventy-five cents, and for the payment of the assessments made or to be made by the commissioners in both of these proceedings, and for any other unfinished local improvement to be paid for by special assessment, in the manner herein provided. The common council may by ordinance declare any improvement mentioned in this section excepted from the operation of this section, but such exception shall not allow the same, if to* paid for by special assessment, to be done

*So in the original.

otherwise than by contract let to the lowest responsible bidder. In the case of an improvement so excepted the common council shall, on the completion and acceptance of such work issue the bonds or notes of the city payable not more than six months from the date thereof with interest at a rate not greater than four per centum, and, with the proceeds thereof sold at not less than par as hereinbefore provided pay the contractor for such improvement. Said bonds or notes shall be paid from the assessment and taxes therefor when collected.

Issue of
bonds or
notes.

§ 2. This act shall take effect immediately.

Chap. 169.

AN ACT making an appropriation for the department of the state superintendent of elections for the Metropolitan elections district.

Became a law, March 21, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. For the purpose of prosecuting the work and defraying the expenses of the department of the state superintendent of elections for the Metropolitan elections district, until the regular appropriation for such department becomes available on October first, nineteen hundred, there are hereby appropriated out of the moneys in the treasury of the state not otherwise appropriated, the following amounts: For the deficiency in the salary of the state superintendent to October first, nineteen hundred, the sum of nine hundred and ninety-four dollars and forty-one cents; for the deficiencies in the salaries of the chief deputy, the clerk and the stenographer to October first, nineteen hundred, as provided by chapter four hundred and ninety-nine, laws of eighteen hundred and ninety-nine, the sum of three thousand one hundred and twenty-nine dollars and ninety-seven cents; for the deficiency in the amount authorized by chapter four hundred and ninety-nine, laws of eighteen hundred and ninety-nine, to be expended for office expenses and expenses incurred in carrying out the provisions of the laws relating to the Metropolitan elections

Appropriation for salaries and expenses.

district, the sum of eight thousand dollars or so much thereof as may be necessary; for services of deputy state superintendents of elections the sum of ten thousand dollars, or so much thereof as may be necessary.

§ 2. This act shall take effect immediately.

Chap. 170.

AN ACT to provide for the selection, location, appropriation and management of certain lands along the Palisades of the Hudson river for an Interstate Park and thereby to preserve the scenery of the Palisades.

Became a law, March 21, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appoint-
ment of
commis-
sioners.

Terms of
office.

Vacancies
in commis-
sion.

Expenses.

Section 1. Within thirty days after the going into effect of this act there shall be appointed by the governor of this state, by and with the consent of the senate, ten commissioners, five of whom shall be citizens and residents of the state of New York, who shall constitute and are hereby appointed and constituted a board of commissioners by the name and style of "commissioners of the Palisades Interstate Park." Of the commissioners first appointed under the provisions of this act, the terms of two (one of whom shall be a resident of this state) shall expire each year until the terms of all have expired; and the said commissioner first appointed shall be appointed and hold office respectively for the term of one, two, three, four and five years, as indicated and fixed in their respective commissions and until others are appointed in their places, and all such commissioners, after the first appointment shall be appointed by the governor and hold office for the full term of five years and until others shall be appointed in their places; vacancies in the commission caused by death, resignation or refusal to act, or removal from the state shall be filled by the governor by appointment for the unexpired term only. No member of said board shall receive any compensation for his services as commissioner, but each commissioner shall be entitled to receive his actual disbursements for his expenses in performing the duties of his office.

§ 2. Such board of commissioners, and their successors, are hereby created a body politic, with power to sue and be sued, to use a common seal, and to make and adopt by-laws to regulate its proceedings. Such board shall annually choose from among its members a president, a vice-president, treasurer and secretary and appoint such other officers and employes as it may deem necessary to carry out the purpose of this act; it may also determine the duties and compensation of such appointees and remove them at pleasure, and make all reasonable rules and regulations respecting the same. Such board shall have and maintain a suitable office, where its maps, plans, documents, records and accounts shall be kept, subject to public inspection, at such times and under such reasonable regulations as the board shall determine.

General powers of board.

Officers and employes.

Business office.

§ 3. The first meeting of such board of commissioners at which it shall choose its officers, as hereinbefore provided, shall be held within thirty days from the going into effect of this act, at such time and place as shall be agreed upon and notified to the members of the board of commissioners by the secretary of state.

First meeting of board.

§ 4. The board of commissioners shall have power to and shall, as soon as may be after its organization, proceed to select and locate such lands lying between the top of the steep edge of the Palisades and the exterior of the bulkhead line established by law upon the Hudson river, together with such separate parcels of unimproved lands lying on the front of the top of the Palisades from the New Jersey state line on the south to Piermont creek, near Piermont in Rockland county, on the north, as may in their opinion be proper and necessary to be reserved for the purpose of establishing a state park and thereby preserving the scenic beauty of the Palisades.

Power to select and locate lands.

§ 5. The said board of commissioners shall have the power to acquire, maintain and make available for use as a public park the lands located as aforesaid, and for this purpose shall have power to take in fee or otherwise, by purchase, gift, devise or eminent domain, the said lands, or any of them, and any rights, interests and easements therein, and to receive by gift, contribution or bequest moneys to be used in acquiring or improving the said lands or any of them; deeds of conveyance for such lands shall be made to said board of commissioners by its corporate name, and it shall be the duty of said board to preserve, care for,

Acquisition of lands and rights.

Laying out
and main-
tenance of
park.

lay out and improve the said park and to make rules for the use and government of the same; said board shall have power also to lay out, construct and maintain roads, pathways and boulevards upon, across and over the said park, to lay out, construct and maintain roads between and connecting any separated portions of said park, and for this purpose to acquire rights of way upon and across any intervening lands and to lay out, construct and maintain roads and ways connecting the roads and ways within said park, with other public roads outside of and adjacent thereto. The said board of commissioners shall in laying out and maintaining said park have regard to the laying out and maintenance of such park as may be established by the state of New Jersey along the Palisades and Hudson river and shall, so far as may be, lay out and maintain said park in such manner that it, together with such park as may be established by the state of New Jersey, shall form a continuous park, the intention of this act being to provide, in conjunction with the state of New Jersey, for the establishing of a park along the entire front of the Palisades from Fort Lee in New Jersey to the termination thereof in this state, and thereby preserving the scenic beauty of the Palisades.

Map of
lands and
rights.

§ 6. Before any proceeding shall be had or taken for acquiring the title to any of the land located as aforesaid, the said commissioners shall cause to be made, by such engineer and surveyor as they shall select, a map of the lands and rights in lands which they shall determine to take, showing the boundaries of the individual pieces of land embraced therein, and the names of the owners or reputed owners thereof, as nearly as the same can be ascertained, and shall at the same time proceed to investigate, ascertain and appraise as nearly as may be the full and fair value of the lands shown on the said map. A copy of which map certified by a majority of said commissioners, together with a report of their proceedings in the matter of said estimate and appraisal and the results thereof shall be filed in the office of the secretary of state and in the office of the clerk of the county of Rockland. The said commissioners shall also file in like manner any modifications or amendments which they may from time to time desire to make in said map, and the said map shall thereafter be deemed to be altered in accordance with such modifications and the same proceedings may be had thereafter as are herein provided for in relation to the lands shown on said map as originally filed.

Estimate
and ap-
praisal by
commis-
sion.

Alteration
of map.

§ 7. After the filing of the said map as above required, the said commissioners shall from time to time and at such times as they may deem advisable, publish for twenty successive weeks, in the state paper, and in a newspaper printed and published in the county of Rockland, a notice declaring that the commissioners of the Palisades Interstate Park intend to take and appropriate such of the lands and rights in lands shown on the said map as are described in such notice, and acquire title thereto and hold the same in trust for the people of the state of New York, and that the said commissioners intend to apply to the supreme court in the second judicial district, on a day specified for the appointment of three freeholders, residents of the state of New York, to act as commissioners of appraisement, to ascertain and report the just compensation to be paid to person or persons or corporation owning or having an interest in said property.

Notice of
intention
to take
lands, etc

Application
for commis-
sioners of
appraise-
ment.

§ 8. Upon the day designated in the said notice or some other day to be named by the said court, the said court shall hear the application of the said commissioners, and shall appoint three disinterested persons, freeholders and residents of the state of New York, commissioners of appraisement for the purpose aforesaid. And in case any commissioner of appraisement shall decline to serve, the said court may on application of the said board of commissioners of the Palisades Interstate Park, upon notice of such vacancy and application to be published in a newspaper in the county of Rockland for ten successive week days appoint another in his place.

Appoint-
ment of
commis-
sioners of
appraise-
ment.

§ 9. The commissioners of appraisement so appointed shall, before they enter upon their duties, take and subscribe an oath or affirmation, to be administered by some person authorized to administer oaths faithfully and impartially to execute their duties according to the best of their ability. They shall give notice of the time and place of their meeting to view the said property, by publishing the same in a newspaper printed and published in the county of Rockland for twelve successive week days.

Oath of
office.

Notice of
meeting.

§ 10. The commissioners of appraisement shall together view such property and shall receive any legal evidence as to the compensation that should be made therefor, and may adjourn from time to time. They shall ascertain and award to the respective owners of the property to be taken, and to all persons and cor-

Duties of
commis-
sioners.

Report.

porations interested therein, such compensation therefor as in their opinion shall be just and proper and in fixing the amount of such compensation, said commissioners shall not make any allowance or deduction on account of any real or supposed benefit which the parties interested may derive from the said park or improvement for which said lands are to be taken. The report of the commissioners of appraisement, signed by a majority of said commissioners, shall be filed in the office of the clerk of Rockland county as soon as completed, and said report shall be made and filed within six months from the time of their appointment. Their oaths of qualification and their minutes of the testimony taken by them, if any, shall be attached to and filed with their said report and form a part thereof.

Notice of application to confirm report.

Confirmation of report by court.

§ 11. After the report of the said commissioners of appraisement shall be so filed, the board of commissioners of the Palisades Interstate Park shall give notice, by publishing the same in ten successive numbers of any newspapers printed and published in said county of Rockland, that they will on a day to be specified in said notice apply to the said supreme court, for an order confirming the report, and on the day so appointed the said court, upon being furnished with proof of the due publication of said notice as above provided, shall confirm such report and make an order containing a recital of the substance of the proceedings in the matter of the appraisement and a description of the real estate appraised, for which compensation is to be made, and the amount of compensation to be made in each case, and shall also direct to whom the money is to be paid. The said court shall also tax and allow such costs, fees and expenses to the commissioners of appraisement and other persons performing any legal duty in the premises as it shall think equitable and right, which shall be paid by said board of commissioners.

Order to be recorded.

§ 12. A certified copy of the order so to be made as aforesaid shall be recorded at full length in the office of the clerk of the county of Rockland and also in the office of the secretary of state.

Appeal from appraisal and report.

§ 13. Within twenty days after the confirmation of the report of the commissioners of appraisement, as provided for in the eleventh section of this act, any party may appeal on giving notice in writing to the other by petition to the appellate division of the supreme court in the second department, from the appraisal and report of the commissioners. Such appeal shall be

heard by the said appellate division at the next thereafter ensuing term thereof, on due notice thereof being given according to the rules and practice of said court. On hearing of such appeal the court may direct a new appraisement before the same or new commissioners to be by it appointed, in its discretion. In case the court shall order a new appraisement the appraisers appointed to make the same shall qualify and proceed in all respects as provided in section nine and ten hereof, and such second appraisement shall be final and conclusive upon both parties.

§ 14. In case there should be conflicting claimants for any of the money awarded to be paid for any of the said lands or rights in lands appraised as aforesaid, or in case the person entitled to receive any money awarded to be paid for any of the said lands or rights in lands so appraised cannot be ascertained, or is absent from the state or under any legal incapacity that disqualifies him or them from receiving legal payment of the money awarded, then it shall be the duty of said commissioners of the Palisades Interstate Park upon making payment for the lands taken and appraised as aforesaid, to pay the amounts awarded to said person or persons to the clerk of the county of Rockland who shall receive the same, and pay over the same as he may be ordered by the said supreme court, which upon application made thereto shall determine who is entitled to the same, and direct to whom the same shall be paid, and may in its discretion order a reference to ascertain the facts upon which said determination and order are to be made. Any and all such payments to said clerk shall be equivalent to payment to the parties entitled thereto, and shall operate to transfer the title of the said lands or rights in lands to the said board of commissioners, as if payment had been made directly to the parties entitled thereto, and shall release the said board of commissioners from all claim therefor.

Payment of awards in certain cases to county clerk.

Effect of such payments.

§ 15. If, at any time after an attempt to acquire title by compensation as aforesaid, it shall be found that the title attempted to be acquired is defective, the said commissioners of the Palisades Interstate Park shall proceed anew to acquire or perfect such title, in the manner hereinbefore set forth, and as if no appraisement had been made, and the said supreme court shall have power at any time to amend any defect or informality in any of the proceedings to acquire title to the said lands, or rights

New proceedings to acquire or perfect title.

in lands, or any of them, as may be necessary, and also to appoint other commissioners of appraisement in place of any who may die or refuse or neglect to serve or be incapable of serving, upon like notice, as required by section eight of this act.

Awards payable before transfer of title.

§ 16. The said commissioners of the Palisades Interstate Park shall not acquire the title to or enter into possession of any of the said appraised premises until the amount awarded for the same shall have been paid to the owner or owners thereof or to the county clerk as aforesaid, but such payment shall operate to transfer the title to the said commissioners.

Report of commission.

§ 17. After the proceedings hereinbefore provided for, for the purpose of acquiring title by the said board of commissioners to the said lands or any of them shall have been concluded, the said board of commissioners of the Palisades Interstate Park, shall report such proceedings, and all other action by them taken, together with the amount awarded by the said commissioners of appraisement, to the legislature of this state.

Appropriation to carry out act.

§ 18. The sum of ten thousand dollars or as much thereof as may be necessary, payable out of any moneys in the treasury not otherwise appropriated, is hereby appropriated to carry out the provisions of this act. The total amount of the expenditures by said commissioners shall not exceed such sum of ten thousand dollars. Payments from said appropriation shall only be made upon itemized accounts duly verified and in such sums as may be allowed by the comptroller after audit by him.

When to take effect.

§ 19. This act shall take effect June first nineteen hundred.

Chap. 171.

AN ACT to amend chapter three hundred and twenty-five of the laws of eighteen hundred and ninety-eight entitled "An act to prevent the application of poison to fruit trees while in blossom," relative to experiments at experimental stations.

Became a law, March 22, 1900, with the approval of the Governor. Passed three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Section one of chapter three hundred and twenty-five of the laws of eighteen hundred and ninety-eight, entitled "An

act to prevent the application of poison to fruit trees while in blossom," is hereby amended to read as follows:

§ 1. Any person who shall spray with, or apply in any way poison or any poisonous substance, to fruit trees while the same are in blossom, is guilty of a misdemeanor, punishable by a fine of not less than ten dollars nor more than fifty dollars; provided, however, that nothing in this section shall prevent the directors of the experimental stations at Ithaca and Geneva from conducting experiments in the application of poison and spraying mixtures to fruit trees while in blossom.

Penalty for application of poison to fruit trees while in blossom.

§ 2. This act shall take effect immediately.

Chap. 172.

AN ACT to amend section seven hundred and ninety-three of the code of civil procedure relative to preferred and deferred causes.

Became a law, March 22, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seven hundred and ninety-three of the code of civil procedure is hereby amended so as to read as follows:

Code amended.

§ 793. Where the right to a preference depends upon facts which do not appear in the pleadings or other papers upon which the cause is to be tried or heard, the party desiring a preference must procure an order therefor from the court, or a judge thereof, upon notice to the adverse party. A copy of the order must be served with or before the notice of trial or argument. Such an order is not appealable, but it may be vacated by the judge or judges holding the term at which the preferred cause is noticed for trial or hearing, or by such other justice, or at such other term of court, or at such other time as shall be prescribed by the general or special rules of practice. But a preliminary order is not requisite in a case embraced within subdivision first or second of the last section but one, and the order in a case embraced within subdivision six thereof may be made ex parte, and is conclusive. Where no order is required, a claim for preference, specifying the provision of law under which the claim is made, may be inserted in the note of issue to be filed with the clerk, and it shall then

Where an order is necessary.

be the duty of such clerk to place such cause in its proper place among the preferred causes at the head of the calendar; except that in the counties of New York, Kings, Queens and Erie, and the seventh judicial district, no action or special proceeding shall be placed as a preferred cause upon the calendar of any circuit court or trial term or special term of any court as herein provided, but the party desiring a preference of any cause shall serve upon the opposite party, with his notice of trial, a notice that an application will be made to the court at the opening thereof, or to such justice or other term of court or at such other time as shall be prescribed by the general or special rules of practice, for leave to move the same as a preferred cause, and if the right to a preference depends upon facts which do not appear in the pleadings or other papers upon which the case is to be tried the notice must be accompanied by an affidavit showing such facts. In said counties of New York, Kings, Queens and Erie and in the seventh judicial district, the application for a preference shall be made at the opening of the court, or to such justice or other term of court, or at such other time as shall be prescribed by the general or special rules of practice, and if it shall appear that the cause is entitled to a preference and is intended to be moved for trial at or for the term for which the application is made, the court or justice may direct that it shall be so heard.

When takes
effect.

§ 2. This act shall take effect on the first day of September, nineteen hundred.

Chap. 173.

AN ACT to amend chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-two, relative to the expense of extending the water works of the city of Cohoes.

Accepted by the city.

Became a law, March 22, 1900, with the approval of the Governor. Passed. three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City charter
amended.

Section 1. Section three of title eight of chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-two, entitled "An act to revise, consolidate and amend the several

acts relating to the government of the city of Cohoes," is hereby amended so as to read as follows:

§ 3. It shall be the duty of said board to examine and consider all matters relative to supplying the city of Cohoes with a sufficient quantity of good and wholesome water; and for that purpose it shall have power, as often as the needs of the city shall require, to employ engineers, surveyors and such other persons as it shall deem necessary, and to adopt such plans as in its judgment shall be most feasible for securing such supply or additional supply of water as may be required. Such plans shall embrace the proper main and distributing pipes for a supply of water to all the streets in said city so far as shall be deemed advisable by said commissioners, and also the furnishing and placing such number of street hydrants for supplying water for the extinguishment of fires as shall to said board appear needful; but from and after three years from the passage of this act no extension of the water works of said city shall unless otherwise provided by law, be made by said board in any one year, which shall involve an expense exceeding three thousand dollars. Said board shall have power to make all necessary contracts for labor and materials for the execution of its plans and the completion of the work undertaken by it; and whenever the estimated cost of any plan or work contemplated by it shall exceed two hundred dollars, said board may, in its discretion, and under such regulations as it may prescribe, advertise for bids for the doing of such work, or the furnishing of the materials required therefor or any part thereof.

Duties of
water com-
missioners.

Expense of
extending
water
works.

Contracts
for labor
and ma-
terials.

§ 2. Section fourteen of title eight of said chapter six hundred and seventy-one is hereby amended so as to read as follows:

§ 14. The said board of water commissioners shall so regulate its expenses that the payment to the sinking fund, the payment of interest on bonds issued for water purposes in said city, the payment of the principal of such bonds otherwise unprovided for, the payment to the Cohoes company for the use of water, and the payment for salaries of officers for labor, materials, expenses of repairs, extension of the works, new hydrants, gates or other additions and improvements, shall not exceed in any year the resources derived from water rents; and it shall so regulate, scale and determine the water rents, that the same shall be sufficient to meet the several payments in this section

Regulation
of ex-
penses.

Water
rents.

above mentioned, and for that purpose said board shall have power to annually either increase or decrease the water renta.

§ 3. This act shall take effect immediately.

Chap. 174.

AN ACT to release to Ella F. Reilly all the right, title and interest of the people of the state of New York in and to certain real estate upon One Hundred and Fiftieth street in the borough of Manhattan, in the city, county and state of New York acquired by escheat or otherwise upon the death of Edward Welsh, deceased.

Became a law, March 22, 1900, with the approval of the Governor. Passed, by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Interest of
state re-
leased.

Section 1. All the estate, right, title and interest of the people of the state of New York acquired by escheat and forfeiture or otherwise upon the death of Edward Welsh, deceased, of, in and to all that certain lot, piece or parcel of land situate, lying and being in the borough of Manhattan, in the city, county and state of New York, bounded and described as follows: Commencing at a point on the northerly side of One Hundred and Fiftieth street, two hundred and fifty feet westerly from the northwesterly corner of One Hundred and Fiftieth street and the Ninth avenue, running thence northerly and parallel with Ninth avenue ninety-eight feet; thence westerly and parallel with One Hundred and Fiftieth street twenty-five feet; thence southerly parallel with Ninth avenue ninety-eight feet to One Hundred and Fiftieth street, and thence easterly along One Hundred and Fiftieth street twenty-five feet to the place of beginning, together with all their right, title and interest of, in and to the land in One Hundred and Fiftieth street opposite to and adjoining the premises above described to the center of the said street, is hereby released to and vested in Ella F. Reilly, her heirs and assigns forever.

Proviso.

§ 2. Nothing herein contained shall be construed to impair, release or affect the rights in said real estate of any heir, devisee, purchaser or creditor by judgment, mortgage or otherwise in and to said premises or any part or parcel thereof.

§ 3. This act shall take effect immediately.

Chap. 175.

AN ACT to legalize the erection and maintenance of the dam heretofore erected by the Hudson River Power Transmission Company across the Hudson river about two miles below the village of Mechanicville, Saratoga county.

Became a law, March 22, 1900, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The erection of the dam heretofore built by the Hudson River Power Transmission Company across the Hudson river, between the town of Halfmoon, Saratoga county, and the town of Schaghticoke, Rensselaer county, at a point about two miles below the village of Mechanicville, is hereby legalized, and said company is hereby authorized to forever maintain said dam and to flood back up said river, so far as it owns the adjacent uplands or may have rights of flowage thereon, for the purpose of maintaining the pond formed by such dam; and any interest of the state in lands under the waters of said river, covered by said dam, and the works connected therewith, is hereby granted to said company.

Erection and maintenance of dam legalized.

§ 2. This act shall not affect any pending litigation relating to said dam, or the pond formed thereby; nor shall it give said company any right to injure, by flooding or otherwise, any private property.

Provide.

§ 3. This act shall take effect immediately.

Chap. 176.

AN ACT to enable the Central New York Institution for Deaf-Mutes to obtain compensation from the county of Albany for the maintenance of Frank Earl Williams McMahon, a deaf-mute.

Became a law, March 22, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of supervisors of the county of Albany in the state of New York are hereby authorized and empowered

Supervisors may audit claims.

in their discretion to examine and audit the claim of the Central New York Institution for Deaf-Mutes for the maintenance of Frank Earl Williams McMahon, a deaf-mute, from the time of his commitment by a supervisor of the town of Watervliet of the county of Albany until he attained the age of twelve years, notwithstanding any previous actions of the board of supervisors of Albany county concerning said claim or any part thereof, and the amount that may be allowed shall be collected and paid in the manner provided by law for the payment of claims audited and allowed by the board of supervisors of Albany county.

§ 2. This act shall take effect immediately.

Chap. 177.

AN ACT to amend section thirty-two of chapter thirty-five of the general laws known as the general corporation law, relating to the extension of corporate existence.

Became a law, March 22, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-two of the general corporation law is hereby amended so as to read as follows:

§ 32. **Extension of corporate existence.**—Any domestic corporation at any time within three years before the expiration thereof, may extend the term of its existence beyond the time specified in its original certificate of incorporation, or by law, or in any certificate of extension of corporate existence, by the consent of the stockholders owning two-thirds in amount of its capital stock, if not a stock corporation, by the consent of two-thirds of its members, in and by a certificate signed and acknowledged by them and filed in the offices in which the original certificates of its incorporation were filed, if at all, and, if not, then in the offices where certificates of incorporation are now required by law to be filed, and the officers with whom the same may be filed shall thereupon record them in the books kept in their respective offices for the record of such certificates, and make a memorandum of such record in the margin of the original certificate in such book. if any, and thereupon the time of existence of such corporation

shall be extended, as designated in such certificate, for a term not exceeding the term for which it was incorporated in the first instance. If the term of existence of any domestic corporation shall have expired and it shall be made satisfactorily to appear to the supreme court that such corporation was legally organized, pursuant to any law of this state, and that through mistake it shall have issued its bonds payable at a date beyond the date fixed in its charter or certificate of incorporation for the expiration of its corporate existence, and such bonds shall be unmatured and unpaid, the supreme court may, upon the application of any person interested and upon such notice to such other parties as the court may require, by order, authorize the filing and recording of a certificate reviving the existence of such corporation, upon such conditions and with such limitations as such order shall specify, and extending such corporate existence for a term not exceeding the term for which it was originally incorporated. Upon filing and recording such certificate in the same manner as certificates of extension of corporate existence duly issued before the expiration of the existence of a domestic corporation is authorized by law to be filed and recorded, such corporate existence shall be revived and extended in pursuance of the terms of such order, but such revival and extension shall not affect any litigation commenced after such expiration and pending at the time of such revival. If a corporation formed under or subject to the banking law, such certificate shall not be filed or recorded unless it shall have indorsed thereon the written approval of the superintendent of banks; or, if an insurance corporation, unless it shall have indorsed thereon the written approval of the superintendent of insurance; and, if a turnpike or bridge corporation, it shall not be filed unless it shall have indorsed thereon or annexed thereto a certified copy of a resolution of the board of supervisors of each county in which such turn-pike or bridge is located, approving of and authorizing such extension. If all the stock of a corporation other than a corporation formed under or subject to the banking law, or an insurance corporation, or a turn-pike, plank-road or bridge corporation shall be lawfully owned by another stock corporation entitled by law to take a surrender and merger thereof, the corporate existence of such corporation whose stock is so owned may be extended at any time for the term of the corporate existence of the possessor corpora-

tion, by filing in the office or offices in which the original certificate or certificates of incorporation of the first-mentioned corporation were filed a certificate of such extension executed by its president and secretary and by such corporation owning all the shares of its capital stock. Every corporation extending its corporate existence under this chapter or under any general law of the state shall thereafter be subject to the provisions of this chapter and of such general law, notwithstanding any special provisions in its charter, and shall thereafter be deemed to be incorporated under the general laws of the state relating to the incorporation of a corporation, for the purpose of carrying on the business in which it is engaged, and shall be subject to the provisions of such law.

§ 2. This act shall take effect immediately.

Chap. 178.

AN ACT supplementary to chapter five hundred and eighty-eight of the laws of eighteen hundred and ninety-eight entitled "An act to erect the county of Nassau from the territory now comprised within the limits of the towns of Oyster Bay, North Hempstead and Hempstead, in the county of Queens" as amended by chapter six hundred and fifty-eight of the laws of eighteen hundred and ninety-nine, relative to the board of canvassers of the county of Nassau.

Became a law, March 22, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Return and
canvass of
votes.

Section 1. The board of county canvassers of the county of Nassau shall canvass the returns for member of assembly in the third assembly district of the county of Queens, composed of the county of Nassau and the fifth ward in the borough and county of Queens, in the city of New York. The statements of every election held in such third assembly district for member of assembly, shall be made to the board of county canvassers of the county of Nassau. The inspectors of election in each election district in such fifth ward shall file with the county clerk of the county of Nassau a statement of the result of the election in such

election district, so far as the same relates to the office of member of assembly. Such board of canvassers shall also canvass the returns of all votes cast in Nassau county for candidates for the office of senator, representative in congress and justice of the supreme court, and statements of elections for such officers shall be filed with the county board of canvassers accordingly. The election law, so far as practicable, applies to an election, return and canvass under this act.

§ 2. This act shall take effect immediately.

Chap. 179.

AN ACT authorizing the board of estimate and apportionment of the city of New York to take proof of the claim of Rudolph C. Fuller for work, labor and services alleged to have been performed as inspector of repairs and construction of county buildings in the county of Kings and to allow them to pay said Rudolph C. Fuller such compensation as it may deem just and proper.

Accepted by the city.

Became a law, March 22, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of estimate and apportionment in and for the city of New York are hereby authorized and empowered to take proof of the claim of Rudolph C. Fuller for work, labor and services alleged to have been performed in the year eighteen hundred and ninety-eight as inspector of the construction and repairs of county buildings in Kings county by virtue of his appointment to such position by the board of supervisors of Kings county on the thirtieth day of September, eighteen hundred and ninety-five, and to allow and pay over to said Rudolph C. Fuller such compensation therefor as it, the said board of estimate and apportionment, may deem just and fair in the premises; and towards the payment of such sum the said board of estimate and apportionment may apply any unexpended balance of appropriations heretofore made and now in the hands of the comptroller of the city of New York and in case the amount of such unexpended balances

Authority
to take
proof.

Allowance
and pay-
ment of
claim.

shall be insufficient to pay such appropriation then said board of estimate and apportionment may include the amount of such appropriation or such part thereof as shall remain unpaid in the tax levy for the year nineteen hundred and one to be raised and paid in the manner required by law.

§ 2. This act shall take effect immediately.

Chap. 180.

AN ACT in relation to unpaid taxes in the towns of the county of Putnam.

Became a law, March 22, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Account
not to be
transmitted
to comp-
troller.

Section 1. The county treasurer of the county of Putnam shall not transmit to the comptroller any account of unpaid taxes in said county.

Collection
by county
treasurer.

§ 2. It shall be the duty of the county treasurer of said county to collect, in the manner hereinafter provided, all unpaid taxes upon lands in any of the towns of said county, levied by the board of supervisors of said county, for any purposes.

Transcript
of unpaid
taxes to
supervisor.

§ 3. The county treasurer shall make for each town a transcript from the tax roll for the town of all taxes, if any, upon lands which have been returned and remain unpaid, and on or before the first day of June he shall deliver the transcript for the town to the supervisor thereof. It shall be the duty of the supervisor receiving such transcript, on or before the first day of July thereafter, to make and deliver to the county treasurer a statement containing and showing the name of the owner or owners so far as the same shall be known to said officer, with a brief general description of the location, boundary and the estimated quantity of each parcel of said lands, and in case any of such lands shall have been erroneously assessed, then it shall be the duty of such officer to make and include in such statement a corrected assessment thereof at the same valuation as before, and such corrected assessment and the amount of taxes levied upon said lands shall be as valid and effectual for all purposes as though they had originally been correct.

Duty of
supervisor.

Erroneous
assess-
ments.

§ 4. Taxes upon lands returned to the county treasurer as unpaid shall, in addition to the five per centum penalty imposed by law for non-payment, bear interest at the rate of ten per centum per annum, to be computed from the first day of March succeeding the date of the warrant issued by the board of supervisors for their collection.

Interest on
unpaid
taxes.

§ 5. Whenever any such tax, penalty or interest, or any part of either of them, shall remain unpaid on the first day of August succeeding the said warrant date, the county treasurer shall proceed to advertise and sell the lands upon which the same was imposed, for the payment of such tax, penalty and interest, or the part thereof remaining unpaid, and the expenses of such sale, as hereinafter prescribed, shall also be a charge upon such lands.

Sale of
lands.

§ 6. The county treasurer shall, immediately after the said first day of August, cause to be published, once in each week for six successive weeks, in the two newspapers designated by the board of supervisors of said county for the publication of the session laws, a list or statement of the parcels of land charged with any such unpaid tax, penalty or interest, describing each parcel according to the description made under section three of this act, and stating to whom the same was assessed, with the name of the owner or owners as reported by the supervisor, and with a notice that each of said parcels of land will on a day within ten days after the expiration of said six weeks, to be specified in said notice, be sold by public auction at the court house in the town of Carmel, to discharge said tax, penalty or interest and expenses aforesaid, which shall be due thereon at the time of sale. The charge for publishing said notice shall be one dollar to each newspaper publishing the same for each piece or lot of land described in said notice. If either of the said designated newspapers shall have ceased publication or shall refuse to publish said notice, then the county treasurer may cause said notice to be published with said list or statement in some other newspaper printed in said county, at the same rate and with the same effect as though the publication had been made in the designated paper. On the day and at the place stated in said notice, the county treasurer shall commence the sale of said parcels of lands and shall continue the sale from day to day until all shall be disposed of.

Notice of
sale.

Commence-
ment of
sale, etc.

§ 7. The purchasers on such sales shall pay the amounts of their respective bids to the county treasurer immediately after

Payment of
bids.

each parcel shall be struck off. In case a purchaser fails to pay the amount of his bid, as herein prescribed, the county treasurer shall forthwith offer the parcel for sale again, and proceed as though it had not been struck off. Should there be no bid of the amount due on any lot or parcel of land to be sold, then the county treasurer shall bid in the same for the county of Putnam, and the said county is hereby authorized to acquire said parcels. So soon as practicable after the completion of the sales the county treasurer shall prepare and execute in duplicate as to each parcel sold a certificate, stating the facts as to the particular parcel, required to be set forth in the published statement or list under section three of this act; the fact of the sale; the name of the purchaser; the amount paid therefor on the sale, with any facts the treasurer may deem essential. One of said duplicates shall be delivered to the said purchaser, or in case the parcel was struck off to the county, then it shall be retained by the treasurer. The county treasurer shall deliver the other duplicate certificate to the clerk of said county, who shall file said certificate in his office, and record the same in a book to be kept in the clerk's office for that purpose, and shall index the certificate in the name of the person to whom the parcel was assessed; the name of the reported owner thereof and in the name of the purchaser in the same book and manner as deeds are required by law to be indexed; for which service the county clerk shall be entitled to receive a fee of fifty cents for each certificate, which fee shall be paid by the county treasurer, and shall be a part of the expenses of the sale of the parcel; provided that, if from any cause the county treasurer shall be unable to attend at the time and place of sale, the sheriff of said county may conduct the sale with the same force and effect as though made by the county treasurer. On all taxes levied after the passage of this act the county treasurer shall be entitled to receive for each parcel so advertised and sold, a fee of five dollars where the amount of the tax is ten dollars or more, and three dollars where the amount of the tax is less than ten dollars, which fee shall be deemed a part of the expenses of the sale, and he may include in such expenses an additional sum not greater than said fee, for necessary assistance.

Sales to
county.

Certificate
of sale.

Record.

Fees of
county
treasurer.

Proceeds of
sale, how
applied.

§ 8. The proceeds of the sale of each parcel, other than those struck off to the county, shall be applied to the payment of

the expenses of the sale as herein provided, and to the extinguishment of the tax, penalty and interest for which it was sold, and if there shall be any residue the county treasurer shall hold the same until the owner at the time of sale shall redeem said premises from the sale as herein provided; then the treasurer shall pay such owner the said surplus; in all other cases the treasurer shall hold the same until after the period of redemption shall have expired, when he shall pay such surplus, and the person or persons entitled thereto shall be ascertained in the same manner and by the same procedure as in cases of surpluses on statutory foreclosures of mortgages on real estate.

§ 9. The owner of, or in case the owner shall not have redeemed, then any person interested in or having a lien upon, any parcel or lot so sold may redeem the same from such sale, at any time within two years from the day of sale, by paying to the county treasurer, for the use of the purchaser or his assigns, or if the same shall have been redeemed by any person as hereinbefore provided, and the owner shall thereafter redeem the same, then paying for the use of such person, the sum mentioned in the certificate, with interest thereon at the rate of twelve per centum per annum, from the day of sale, together with any tax upon said parcel, or any part thereof, the said purchaser or assigns, or person before redeeming, shall have paid between the day of sale and of such redemption, provided that the receipt for the payment of such tax shall have been filed with the county treasurer; with interest at the rate of twelve per centum per annum upon such tax from the time of its payment. On any such redemption the county treasurer shall execute and deliver to the person redeeming, a certificate thereof, stating the amount paid on such redemption; by whom paid; and whether by the owner or person interested in or having a lien upon the parcel. If such certificate be to the owner, he shall be entitled to have the record of sale in the county clerk's office canceled by the county clerk; upon filing such certificate in said office and paying the clerk the fee therefor hereby fixed at fifty cents.

Redemption from sale.

Certificate of redemption.

§ 10. At least three months before the expiration of the time for the redemption of any parcels or lots so sold, the county treasurer shall commence the publication of a notice of redemp-

Notice of redemption.

tion from such sales, which shall consist of a statement showing the year when the sale took place and the last day for the redemption of such lands, without other or further description, and such notice shall be published for six successive weeks in the newspapers mentioned in the sixth section hereof. The publication of such notice shall bar and preclude any and all persons, except the purchaser on said sale, or his heirs or assigns, claiming any interest in or lien upon said lands, or any part thereof, in case the said lands shall not be redeemed from such sale as herein provided.

Convey-
ance to
purchaser.

§ 11. If any parcel or lot so sold shall not be redeemed as herein provided, the county treasurer, immediately after the expiration of said two years, shall execute and deliver to the purchaser, his heirs or assigns, or to the board of supervisors of the county, or its assigns, or to the lienor finally redeeming, as the case may be, a conveyance of the real estate so sold, which conveyance shall vest in the grantee an estate in fee, subject only to the liens, if any, of unpaid taxes thereon. The county treasurer executing such conveyance shall be entitled to demand and receive from the grantee one dollar for preparing every such conveyance, but all purchases made for the county in any year shall be included in one conveyance, for which the county treasurer shall be entitled to receive ten dollars.

Execution
of convey-
ance, etc.

§ 12. Every such conveyance shall be executed by the treasurer, and the execution thereof shall be acknowledged before some officer authorized to take and certify acknowledgments of instruments for record in said county, and such conveyance shall be conclusive evidence that the sale and subsequent proceedings were regular, and presumptive evidence that all the previous proceedings were regular and according to law. And every such conveyance may be recorded in the manner and with the effect of any other conveyance of real estate.

Possession
of lands
when ob-
tained, etc.

§ 13. The said grantee or his assigns, or the county or its assigns, as the case may be, shall be entitled to have and possess the granted lands from and after the execution of such conveyance, and he or they, or in case the county holds the same, then the county, in the name of the board of supervisors, may cause the occupants of such lands to be removed therefrom and the possession thereof delivered to him or it, in the same manner and by the same proceedings and by and before the same

officers as in case of a tenant holding over after the expiration of his term without permission of his landlord.

§ 14. Whenever any grantee under any such sale shall be unable to obtain possession of the lands conveyed to him, by reason of any error or irregularity in the assessment of any person or property, or in the levying of a tax, or any proceedings for the collection of any tax, the board of supervisors of said county shall refund the grantee the money paid on the sale with interest, the same to be audited and paid as other county charges, and the amount charged to the taxpayers of the town where the irregularity arose.

Refunding
purchase
money.

§ 15. After the board of supervisors of said county shall have acquired the title to any lands sold for taxes, such lands shall be exempt, while owned by the county, from all taxes, and the county treasurer shall prepare and present to the board of supervisors on the first day of each annual session a statement designating such lands, and the board shall strike such lands from the assessment-roll of the towns in which said lands are situate. Whenever a sale of any lands belonging to the county shall be made, the county treasurer shall forthwith notify the assessor of the town in which the lands are located, and in case the sale shall be made after the first day of July, the assessor shall certify to the board of supervisors the proper assessed value of said lands, with the name of the person or persons to whom assessed, and the said board shall add the same to the town assessment-roll, and apportion and levy the proper tax thereon.

Exemption
of lands
acquired by
county.

Proceed-
ings upon
sales of
lands be-
longing to
county.

§ 16. In case any tax levied by the board of supervisors shall have been returned by the collector to the county treasurer as uncollected and unpaid, the county treasurer may maintain an action in his name of office against the person or corporation liable for such tax, or the representative of any such person or corporation, for the recovery of such tax, with the penalty of five per centum thereon for non-payment, and with interest thereon at the rate of ten per centum per annum, from March first succeeding the date of the warrant for the collection of such tax. Such action may be maintained in any court of competent jurisdiction, and the proceedings, costs, judgment and execution shall be the same, and with like effect, as in actions by other public officers and individuals, and the amount so collected

Actions for
recovery of
tax.

shall be applied in the same manner as if paid to the county treasurer by the collector.

Repeal.

§ 17. All acts and parts of acts inconsistent herewith, so far as the same affect the county of Putnam, are hereby repealed.

Application of act.

§ 18. This act shall apply to the taxes levied by the board of supervisors of said county in the years eighteen hundred and ninety-eight, eighteen hundred and ninety-nine and nineteen hundred, and to the taxes hereafter levied by said board.

Ibid.

§ 19. The provisions of this act shall also apply to all taxes upon real or personal estate in any of the towns of the county levied by the board of supervisors of said county at any time since January first, eighteen hundred and seventy-seven, and which shall remain unpaid on the twenty-fifth day of May, nineteen hundred; provided that such taxes shall bear interest at the rate of ten per centum per annum from the first day of August succeeding the date of the warrant for their collection and excepting from the operation of this act such taxes as shall have been admitted by the comptroller and credited and paid to the treasurer of said county; and any necessary expenses for assistance incurred by the county treasurer of said county in the year nineteen hundred in carrying out the requirements of this section. shall be a county charge.

§ 20. This act shall take effect immediately.

Chap. 181.

AN ACT to amend section thirty-two hundred and thirty of the code of civil procedure, relative to costs.

Became a law, March 22, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three thousand two hundred and thirty of the code of civil procedure is hereby amended so as to read as follows:

§ 3230. When costs are discretionary.—Except as prescribed in the last two sections, the court may, upon the rendering of a final judgment, in its discretion award costs to any party in such

sum not exceeding the total amount authorized by statute as to the court shall seem just.

§ 2. This act shall take effect October first, nineteen hundred.

Chap. 182.

AN ACT to re-appropriate money for repairing and completing the state armory in the city of Auburn, as provided by chapter six hundred and ten of the laws of eighteen hundred and ninety-eight.

Became a law, March 22, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The balance remaining in the treasury unexpended of the sum of eight thousand dollars, appropriated by chapter six hundred and ten of the laws of eighteen hundred and ninety-eight, which said balance is the sum of seven thousand nine hundred and fifty-two dollars and seventy-three cents, is hereby re-appropriated for the purposes specified in and subject to the conditions imposed by said act, and the comptroller is directed to pay the same, for the aforesaid purposes, out of any money in the treasury not otherwise appropriated, on the written requisition of the armory commission.

§ 2. This act shall take effect immediately.

Chap. 183.

AN ACT to provide for the compulsory education of Indian children on the Allegany and Cattaraugus reservations.

Became a law, March 22, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title.—This chapter shall be known as the compulsory education law for the Allegany and Cattaraugus Indian reservation.

§ 2. **Definitions.**—The term persons, in parental relations to an Indian child, includes the parents, guardians or other persons, whether one or more, lawfully having the care, custody or control of such child. An Indian child under sixteen years of age required by the persons in parental relations to such child, to attend upon lawful instruction at a school or elsewhere upon which such child is entitled to attend, is lawfully required to attend such school. An Indian child between six and sixteen years of age, who is required by law to attend upon instruction, and is required by the persons in parental relations to such child, to attend upon lawful instruction at a school or elsewhere, upon which such child is entitled to attend, is lawfully required to attend upon such instruction, and if not required by the persons in parental relation to such child to attend upon any instruction, is lawfully required to attend a school on the reservation, upon which such child shall reside.

§ 3. **Required attendance upon instruction.**—Every Indian child between six and sixteen years of age, in proper physical and mental condition to attend school, shall regularly attend upon instruction at a school in which at least the common school branches of reading, spelling, writing, arithmetic, English grammar and geography are taught, or upon equivalent instruction by a competent teacher elsewhere than at such school, as follows:—every Indian child between fourteen and sixteen years of age not regularly and lawfully engaged in any useful employment or service, and every such child between six and fourteen years of age, shall so attend upon instruction as many days annually during the period between the first days of September and the following July as a public school of the community or district of the reservation, in which such child resides, shall be in session during the same period. If any such child shall so attend upon instruction elsewhere than at the public school, such instruction shall be at least equivalent to the instruction given to Indian children of like age at a school of the community or district in which such child resides; and such attendance shall be for at least as many hours of each day thereof, as are required of children of like age at public schools and no greater total amount of holidays and vacations shall be deducted from such attendance during the period such attendance is required than is

allowed in such public schools for children of like age. Occasional absences from such attendance, not amounting to irregular attendance in the fair meaning of the term, shall be allowed upon such excuses only as would be allowed in like cases by the general rules and practices of such public schools.

§ 4. Duties of persons in parental relation to Indian children.—

Any person in parental relation to an Indian child between six and sixteen years of age in proper physical and mental condition to attend school, shall cause such child to so attend upon instruction, or shall present to the superintendent of Indian schools of the Allegany and Cattaraugus reservations proof by affidavit that he is unable to compel such child to so attend. A violation of this section shall be a misdemeanor, punishable for the first offense by a fine not exceeding five dollars or by imprisonment not exceeding ten days, and for each subsequent offense, by a fine not exceeding twenty-five dollars, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment. Courts of special sessions shall, subject to removal, as provided in sections fifty-seven and fifty-eight of the code of criminal procedure, have exclusive jurisdiction in the first instance to hear, try and determine charges of violations of this section within their respective jurisdictions.

§ 5. Persons employing Indian children unlawfully to be fined.—It shall be unlawful for any person, firm, association or corporation to employ any Indian child residing on the Cattaraugus or Allegany reservations between six and fourteen years of age, in any business or service whatever, during any part of the term during which the school in the community or district in which such child resides is in session, or to employ any Indian child residing on either of said reservations between fourteen and sixteen years of age, who does not, at the time of such employment present a consent in writing signed by the superintendent of the Indian schools on said reservations to the effect that such child may be employed, and specifying the nature of the service and the duration of such service or employment; and any person, firm, association or corporation who shall employ any Indian child contrary to the provisions of this section shall for each offense forfeit and pay to the superintendent of Indian schools of the Allegany and Cattaraugus reservations a penalty of twenty-five dol-

lars, the same, when paid, to be used for the support and maintenance of the schools on said reservations.

§ 6. **Teachers record of attendance.**—An accurate record attendance of all Indian children between six and sixteen years of age shall be kept by the teacher of every Indian school, showing each day, by the year, month, day of the month and day of the week, such attendance, and the number of hours in each day thereof; and each teacher upon whose instruction such Indian child shall attend elsewhere than at the school in the community or district of the reservation where he resides, shall keep a like record of such attendance. Such record shall at all times be open to the superintendent of Indian schools on said reservations and to such persons, as he may designate as attendance officers, who may inspect or copy the same, and any such teacher shall answer all inquiries lawfully made by such superintendent or attendance officer or other persons; and a willful neglect or refusal to keep such a record or answer any such inquiry shall be a misdemeanor.

§ 7. **Attendance officers.**—The superintendent of the Indian schools on the Allegany and Cattaraugus reservations shall supervise the enforcement of this act within said reservations, and he shall appoint and may remove at pleasure such number of attendance officers as the superintendent of public instruction shall deem necessary, whose jurisdiction shall extend over all school districts on the reservation for which they shall be appointed, and he shall prescribe their duties, not inconsistent with this act and may make rules and regulations for the performance thereof. And said superintendent is also vested with the same power and authority as the attendance officers appointed by him.

§ 8. **Arrest of truants.**—Any attendance officer may arrest without warrant anywhere within the state, any Indian child between six and sixteen years of age, found away from his home, and who is then a truant from instruction upon which he is lawfully required to attend within the district or districts of which such attendance officer has jurisdiction. He shall forthwith deliver a child so arrested either to the person in parental relation to the child, or to the teacher of the school from which said child is then a truant, or in case of habitual or incorrigible truants, shall bring them before a magistrate for commitment to a truant school, as provided in the next section.

§ 9. Superintendent to contract for keeping of truants.—The superintendent of Indian schools on the Allegany and Cattaraugus reservations may contract with any city or district having a truant school, for the confinement, maintenance and instruction therein of any child who shall be committed to such school as a truant by any magistrate before whom such child shall have been examined upon the charge of truancy. The costs and expenses attending the support and maintenance of any truant, as herein provided shall be audited by the department of public instruction and paid in the same manner as the expenses of supporting and maintaining the schools on said reservations are paid.

§ 10. Enumeration.—The superintendent of Indian school on said reservations, shall in the year nineteen hundred, and in each succeeding fifth year thereafter, make a complete enumeration of the Indian inhabitants on each of said reservations; such enumeration shall be made between the first day of May, and the first day of August and shall be tabulated by said superintendent, and such tabulation shall show the name and age of each Indian person on said reservations, and shall show in what school district each of such persons reside. Such superintendent shall designate in such tabulation, the district in which each Indian child of school age shall be required to attend school.

§ 11. Payment of services herein required.—The superintendent of Indian schools on the Allegany and Cattaraugus reservations shall be entitled to receive the sum of three dollars per day, in addition to the salary now paid to such superintendent, for each day necessarily spent by him in enforcing the provisions of this act, and also for each day necessarily spent in making the enumeration of the reservations and tabulating the same, together with his necessary expenses while employed in enumerating and tabulating the same and in enforcing the provisions of this act. Each of the attendance officers herein provided for shall receive such sum per day as shall be fixed by said superintendent of Indian schools for each day necessarily employed in enforcing this act, but the amount so expended for such attendance officers shall not exceed the sum of three hundred dollars in any one year; and each person employed by said superintendent to assist him in taking and tabulating the census of the residents of said reservations, shall be entitled to such compensation as he

shall contract for with said superintendent of said schools, not exceeding two dollars per day together with necessary expenses. The entire expense in taking the enumeration herein provided for, shall not exceed the sum of two hundred dollars, and shall be presented to and audited by the superintendent of public instruction, and paid in the same manner as other accounts for the support and maintenance of the schools on said reservations are now paid.

§ 12. This act shall take effect May first, nineteen hundred.

Chap. 184.

AN ACT to amend section nineteen hundred nineteen of the code of civil procedure, relating to actions et cetera by or against associations of seven or more persons.

Became a law, March 22, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Code
amended.

Section 1. Section nineteen hundred and nineteen of the code of civil procedure is hereby amended to read as follows:

Actions,
etc., by or
against
associations
of seven or
more per-
sons.

§ 1919. An action or special proceeding may be maintained, by the president or treasurer of an unincorporated association, consisting of seven or more persons, to recover any property, or upon any cause of action, for or upon which all the associates may maintain such an action or special proceeding, by reason of their interest or ownership therein, either jointly or in common. An action may likewise be maintained by such president or treasurer to recover from one or more members of such association his or their proportionate share of any moneys lawfully expended by such association for the benefit of such associates, or to enforce any lawful claim of such association against such member or members. An action or special proceeding may be maintained, against the president or treasurer of such an association, to recover any property, or upon any cause of action, for or upon which the plaintiff may maintain such an action or special proceeding, against all the associates, by reason of their interest or ownership, or claim of ownership therein, either jointly or in common, or their liability therefor, either jointly or

severally. Any partnership, or other company of persons, which has a president or treasurer, is deemed an association within the meaning of this section.

§ 2. This act shall take effect on the first day of September, ^{When} ~~takes effect~~ nineteen hundred.

Chap. 185.

AN ACT to provide for additions to, and further improvements and equipment in the buildings occupied by the American Museum of Natural History in the Central park of the city of New York.

Accepted by the city.

Became a law, March 22, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The department of parks in the city of New York, when the board of estimate and apportionment in the exercise of its discretion has consented and concurred, is hereby authorized to complete, equip and furnish the east and west wings and erect elevators for the same; provide additional cases where required in the old buildings, repair and alter the halls of the same structure, and to erect a boiler-house, and equip the same with an increased heating and lighting plant required for the additions made to the building in the city of New York, borough of Manhattan, now occupied by and in possession of the American Museum of Natural History. The trustees of the said museum shall select the architects to prepare, under their direction, the plans, and to superintend, under the direction of the department of parks, the construction of the said addition, equipment and alterations. Said plans, when completed, shall be submitted by said trustees to the said department for its approval, and may include such alterations, improvements and repairs to said structure as the said department and the said trustees of the said museum may agree are proper and necessary. The said department shall provide for the compensation of the architects out of the fund hereby provided for the said structure, equipment and alterations. The said equipment shall include all cases, fittings and other apparatus required for the work herein described.

Improvements and equipment in buildings.

Architects and plans.

Issue and
sale of
stock.

§ 2. For the purpose of providing means for the carrying into effect the provisions of this act, it shall be the duty of the comptroller, upon being thereunto authorized by the board of estimate and apportionment, to issue and sell corporate stock of the city of New York, in the manner now provided by law, to an amount not exceeding in the aggregate the sum of three hundred and fifty thousand dollars.

Repeal.

§ 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 186.

AN ACT to amend the forest, fish and game law, in relation to deer.

Became a law, March 22, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and one of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," is hereby amended to read as follows:

§ 101. Deer; dogs.—Deer shall not be taken at any other time than between daylight and sunset on the first two Wednesdays and first two Fridays of November. Dogs may be had in the forest for use on those days. Except on those days possession of venison in the forests of Suffolk county between the first Wednesday and the sixteenth day of November shall be presumptive evidence of a violation of this section. Possession of wild deer or venison between August fourteenth and the first Wednesday in November, shall be conclusive evidence of a violation of this section unless it appear that the same was lawfully killed within the state, or was killed without the state.

§ 2. This act shall take effect immediately.

Chap. 187.

AN AOT to amend chapter two hundred and fourteen of the laws of eighteen hundred and eighty-eight, entitled "An act to revise the charter of the city of Binghamton," and the several acts amendatory thereof.

Accepted by the city.

Became a law, March 22, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of title six of chapter two hundred and fourteen of the laws of eighteen hundred and eighty-eight, entitled "An act to revise the charter of the city of Binghamton," as amended by chapter seven hundred and seventeen of the laws of eighteen hundred and ninety-seven, is hereby further amended so as to read as follows: City charter amended.

§ 1. The common council shall have power to cause to be raised, annually, a sum not exceeding eight thousand dollars, to defray the ordinary and contingent expenses of the city; a further sum, not exceeding twenty thousand dollars, for salaries; a further sum, not exceeding five thousand dollars, to defray the expenses of elections; a further sum of not exceeding two thousand five hundred dollars, for expenses of public printing, a further sum of not exceeding thirty thousand dollars to defray the expenses of the police department; a further sum, not exceeding thirty thousand dollars, to defray the expenses of the fire department; a further sum, not exceeding ten thousand dollars, to aid in defraying the expenses of a non-sectarian city hospital; a further sum, not exceeding four thousand five hundred dollars, for expenses of the board of health, and examining and supervising board of plumbers and plumbing; a further sum of not exceeding five thousand dollars to be paid to the park commissioners of said city for improvement and management of the parks of the city; a further sum of not exceeding fifty cents for every one hundred dollars of the assessed valuation of the taxable property in said city, to be determined from the last annual assessment roll of said city, to defray the expenses of providing lamps and lighting the city, and of making, grading, repairing and improving the highways, streets, lanes, alleys, bridges, public grounds, side- Annual city taxes.

walks, crosswalks and gutters in said city; and in addition thereto, such further sum as may be raised for school purposes as provided in title eleven of this act, and such further sum as may be necessary to pay all installments of principal and interest on the public debt of the city of Binghamton coming due during the ensuing year. And out of the contingent fund herein provided, the common council may appropriate and expend, not to exceed five hundred dollars in any one year, in the entertainment of guests of the city, the decoration of public buildings, when deemed advisable, and in carriage hire upon the occasion of any public ceremonies in which said council may participate. But nothing in this section shall prohibit the raising of any further sum, in any one year, for local improvements, as in this act otherwise provided. All sums to be raised by a general tax, in pursuance of this act, shall, except as herein otherwise provided, be assessed and rated upon and among the owners of real and personal estate, incorporated companies and associations named in the revised assessment roll, in proportion to the valuation therein stated, in the same manner and proportion, as near as may be, as taxes in and for the county of Broome are rated and assessed.

Appropriations for entertainments, etc.

Assessment of general tax.

§ 2. Title fifteen of said chapter two hundred and fourteen of the laws of eighteen hundred and eighty-eight, is hereby amended by adding the following section.

Clerk to assessors.

§ 31. In the making up of the annual assessment rolls of the city it shall be lawful for the assessors to employ a clerk at a compensation to be fixed by the common council, but the amount to be expended under this provision shall not exceed two hundred and fifty dollars in any one year. All claims for services hereunder shall be audited and paid from the contingent fund.

Chap. 188.

AN ACT to legalize the act of the board of trustees of the village of Addison, New York, in entering into a certain contract with Festus H. Wheaton.

Became a law, March 22, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The agreement made the sixth day of February, eighteen hundred and ninety-three, between the board of trustees of

the village of Addison, New York, acting for said village, party of the first part, and Festus H. Wheaton, of Addison, New York, of the second part, granting permission to the said Wheaton or his assigns, to erect a system of poles and wires over the streets, alleys and highways of the said village, and within the territory thereof, suitable for the supply and distribution of the electric current for lighting and heating within the said village, is hereby legalized, and the said acts of the said trustees in making said agreement are hereby declared to be as binding and of as full force as if the charter of the said village had specifically authorized the said trustees to make said contract.

§ 2. This act shall take effect immediately.

Chap. 189.

AN ACT to authorize the city of Utica to borrow money for bridges and their approaches and to issue bonds therefor.

Accepted by the city.

Became a law, March 22, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Common council may borrow money, et cetera.—The common council of the city of Utica is hereby authorized to borrow money and to issue the corporate bonds of said city for the sum of not exceeding sixty-five thousand dollars for the purpose of constructing bridges in said city, over the Mohawk river, at Park avenue and Genesee street with the necessary grading and paving therefor and approaches thereto.

§ 2. Bonds when payable, et cetera.—Said bonds shall be made payable at such times and in such amounts as may be ordered by the common council but none of them shall run more than twenty years. They shall be signed by the mayor and clerk and shall bear annual interest at a rate not exceeding five per centum per annum and shall be sold at not less than par. The proceeds thereof shall be set apart by the treasurer of said city as a separate fund to be used by the common council for the purposes herein provided. Any premium received for said bonds shall be paid into the special fund hereby created. Any sums remaining after the

erection of the work aforesaid may be used by the common council in making or repairing other bridges in said city.

§ 3. Tax for principal and interest, et cetera.—The common council shall raise each year in the annual city tax levy, in addition to the sums authorized by law to be raised therein, such sums as shall be necessary to pay the amount of principal and interest falling due during the ensuing year, on the bonds provided for in this act. The moneys so levied shall be applied to the payment of said bonds and interest and no other purpose.

§ 4. This act shall take effect immediately.

Chap. 190.

AN ACT to authorize the city of Yonkers to issue bonds to provide for the erection of a pavilion upon the public dock and for the extension of the sewer under said public dock.

Accepted by the city.

Became a law, March 22, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Issue and
sale of
bonds.

Section 1. The common council of the city of Yonkers, in addition to all other bonds now authorized in its discretion by law, is authorized to issue bonds of the city of Yonkers in a sum not exceeding twenty-five thousand dollars. Such bonds shall be known as "pavilion bonds" and shall bear interest at a rate not to exceed four per centum per annum and shall be signed by the mayor and city clerk and sealed with the corporate seal of the city of Yonkers and shall be sold at not less than par. The proceeds derived from such bonds shall be used in paying the expense of erecting upon the public docks or piers of the city of Yonkers, as now constructed or to be constructed, a pavilion and such other improvements as the public needs may require, including the expense of extending the Main street sewer through, under and beyond such public dock or docks. Such bonds shall be of such denomination and shall mature at such times as the common council shall determine, but no more than five thousand dollars thereof shall mature in any one year. The common council of the city of Yonkers is authorized to raise by tax in addition

Tax for
principal
and inter-
est.

to all other sums now authorized by law annually such sum as may be necessary to pay the principal and interest due each year upon such bonds.

§ 2. This act shall take effect immediately.

Chap. 191.

AN ACT to amend the code of civil procedure, in relation to appeals from the decree of the surrogate.

Became a law, March 22, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-five hundred and eighty-two of the code of civil procedure, as amended by chapter five hundred and thirty-five of the laws of eighteen hundred and eighty-one, is hereby further amended to read as follows:

§ 2582. Decree for probate, et cetera, how far suspended by appeal.—An appeal from a decree of a surrogate, admitting a will to probate, or granting letters testamentary, or letters of administration, or from an order or judgment of the appellate division of the supreme court affirming a decree of the surrogate admitting a will to probate or granting letters testamentary or letters of administration, does not stay the issuing of letters, where, in the opinion of surrogate, manifested by an order, the preservation of the estate requires that the letters should issue. Letters so issued confer upon the person named therein all the powers and authority, and subject him to all the duties and liabilities of an executor or administrator in an ordinary case, except that they do not confer power to sell real property by virtue of a provision in the will, or to pay or to satisfy a legacy, or distribute the unbequeathed property of the decedent, until after the final determination of the appeal; and in case letters shall have been issued before such appeal the executor or administrator, on a like order of the surrogate, may exercise the powers and authority, subject to the duties, liabilities and exceptions above provided.

§ 2. This act shall take effect September first, nineteen hundred.

Chap. 192.

AN ACT concerning drains and ditches on agricultural lands.

Became a law, March 22, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Filling up,
etc., of
ditch or
drain pro-
hibited.

Section 1. Where in Greene county a continuous ditch or drain has been used, kept or maintained on and over agricultural lands adjoining each other owned or occupied by different persons for draining or carrying off surface or other waters of such lands for a period of twenty consecutive years, it shall be unlawful for the owner or occupant of any part of such lands or for any other person to fill up partly or wholly or to place obstructions of any kind in such ditch or drain so as to prevent or diminish the usual flow of water through the entire length of such ditch or drain.

Removal of
obstruc-
tions, etc.

§ 2. Whenever such ditch or drain has been obstructed or become partly or wholly filled up, it shall be lawful for any owner or occupant of land, the waters of which have been accustomed to flow through such drain or ditch, to enter upon said lands and remove said obstruction or restore said ditch or drain to the condition that it was in before it had become partly or wholly filled up. Any owner or occupant of lands, the waters of which have been accustomed to flow through such drain or ditch and who has been injured by an obstruction placed in said ditch or drain may have a right of action for the recovery of damages and for the removal of said obstruction against any one committing said injury.

Actions for
recovery of
damages.

Proviso.

§ 3. Sections one and two do not apply to any drain or ditch which has been constructed or made under and in pursuance of any act of the legislature of the state of New York, or in pursuance of any binding agreement.

§ 4. This act shall take effect immediately.

Chap. 193.

AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of Henry V. Pelton, John W. Pelton and Mary F. Hutchins against the state for damages alleged to have been sustained by them and to render judgment therefor.

Became a law, March 22, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Jurisdiction is hereby conferred upon the court of Jurisdiction to hear claim. claims to hear, audit and determine the alleged claim of Henry V. Pelton and John W. Pelton of the city of Poughkeepsie and Mary F. Hutchins of the city of New York against the state for damages alleged to have been sustained by them by reason of the erection and maintenance by the state of New York of a dam across the Fallkill creek at, or near the lands of the Hudson River State Hospital and by reason of the alleged illegal detention and conversion of the waters of said stream, and also for the alleged diminishing of the flow, pollution, diversion and appropriation of the same by the state of New York and for the use of said hospital, and to make an award and render judgment therefor against the state and in favor of said claimants.

§ 2. No award shall be made or judgment rendered herein Award or judgment against the state, unless the facts proved shall make out a case against the state, which would create a liability, were the same established in evidence in a court of law or equity against an individual or corporation and unless the cause of action accrued within six years prior to January first, nineteen hundred; and in case such liability shall be satisfactorily established, then the court of claims shall award to and render judgment for the claimant for such sum as shall be just and equitable, notwithstanding the lapse of time since the accruing of said damages, provided the claim hereunder is filed with the court of claims within one year after the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 194.

AN ACT to make the office of supervisor of Montgomery county a salaried office, and fixing the compensation of the clerk of the board of supervisors.

Became a law, March 22, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Office of supervisor made salaried.

Section 1. Each supervisor elected or appointed for a town or ward of a city in the county of Montgomery shall receive an annual salary of five hundred dollars. No other compensation, fee, charge or allowance of any kind shall be made to a supervisor for his services or expenses as supervisor or county canvasser. Each supervisor shall render to the board of supervisors at its annual meeting a verified account of the number of days he has been engaged in the service of his town or ward and the amount allowed by law for such services. The board of supervisors shall audit the account so presented and cause the same to be assessed and levied against the town or city in which the supervisor presenting such account resides. Such charge shall be paid by such town or city in the same manner as other town or city charges are paid. The amount so audited and charged against a town or city shall be deducted from the sum of five hundred dollars, and the remainder shall be a county charge.

Compensation of clerk.

§ 2. The clerk of the board of supervisors of Montgomery county shall receive an annual salary of three hundred and fifty dollars. No other compensation, fee, charge or allowance of any kind shall be made or allowed to such clerk.

Penalty for auditing or allowing greater sum.

§ 3. It shall not be lawful for the board of supervisors to audit or allow, or for the county treasurer to pay any supervisor, or the clerk of the board, a greater sum than that allowed by this act. Every supervisor offending against the provisions of this act shall be guilty of a misdemeanor, and shall be punishable by a fine of not less than one hundred nor more than two hundred dollars or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

§ 4. This act shall take effect immediately.

Chap. 195.

AN ACT to amend chapter three hundred and seventy of the laws of eighteen hundred and ninety-nine, in relation to the civil service, by making it a chapter of the general laws.

Became a law, March 22, 1900, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This title of chapter three hundred and seventy of the laws of eighteen hundred and ninety-nine, entitled "An act in relation to the civil service of the state of New York, and the cities and civil divisions thereof," is hereby amended to read "An act in relation to the civil service of the state of New York and the cities and civil divisions thereof, constituting chapter three of the general laws." Title of
chapter
amended.

§ 2. Such chapter is hereby amended by inserting immediately after the enacting clause and before the first section the following: .

CHAPTER III OF THE GENERAL LAWS.

THE CIVIL SERVICE LAW.

- Section**
1. Short title.
 2. Definitions.
 3. State civil service commission.
 4. Officers and employes of the commission.
 5. Rooms and accommodations.
 6. The powers and duties of the commission.
 7. Duties of public officers.
 8. Unclassified service; classified service.
 9. Rules for the classified state service.
 10. The classified city service.
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 14. Exceptions from competitive examination.
 15. Promotion, transfer, reinstatement, reduction.
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Section 18. Official roster; reports of appointing officers.

19. Disbursing officers.

20. Preferences allowed honorably discharged soldiers, sailors and marines.

21. Power of removal limited.

22. Misdemeanor to obstruct right of examination; false representation; impersonation in examination.

23. Recommendations for appointment or promotion.

24. Political assessments prohibited.

25. Officers or candidates not to promise influence, et cetera; "public officer" and "public employe" defined.

26. Attendance of witnesses; fees.

27. Taxpayer's action.

28. Saving clause.

29. Repeal.

30. When to take effect.

§ 3. This act shall take effect immediately.

Chap. 196.

AN ACT to amend chapter two hundred and three of the laws of eighteen hundred and ninety-six in relation to an additional expenditure of money for placing an equestrian statue of Major-General Henry Warner Slocum, deceased, on the battlefield of Gettysburg.

Became a law, March 22, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Chapter two hundred and three of the laws of eighteen hundred and ninety-six, entitled "An act to provide for placing an equestrian statue of Major-General Henry Warner Slocum, deceased, on the battlefield of Gettysburg," is amended by adding a section to read as follows:

Additional
expendi-
ture au-
thorized.

§ 2. In addition to the sum of twenty-five thousand dollars heretofore appropriated for the erection of such statue, the commissioners mentioned in the first section of this act are author-

ized to expend the further sum of five thousand dollars in the erection of the same.

§ 2. This act shall take effect immediately.

Chap. 197.

AN ACT authorizing the common council of the city of Ithaca, New York, to make reassessments to defray the expenses of constructing a sewer system and sewers in said city.

Accepted by the city.

Became a law, March 22, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The common council of the city of Ithaca, New York, for the purpose of defraying the expenses of constructing its system of sewers in the following named streets or portions thereof, to wit: Linn street from King to Mill, Aurora street from Falls to Railroad avenue, Aurora street from Tompkins to Mill, Aurora street from State to Mechanic, Tioga street from Falls to Green, Tioga street from Prospect to Pleasant, Utica street from Railroad avenue to Farm, Sears street from Cascadilla avenue to Mill, Cayuga street from Railroad avenue to Lewis, Cayuga street from Farm to North Cascadilla avenue, Cayuga street from South Cascadilla avenue to Spencer, Auburn street from Jay to Yates, Geneva street from Cascadilla to Seneca, Geneva street from Green to Titus avenue, Albany street from Cascadilla to Seneca, Albany street from Green to Titus avenue, Fayette street from Green to Center, Plain street from Mill to Seneca, Plain street from State to Titus avenue, Corn street from Buffalo to Clinton, Varick street from Cascadilla to Buffalo, Washington street from Cascadilla to Buffalo, Westport street from Mill to Seneca, Parker street from Buffalo to Seneca, Spring street from Buffalo to Seneca, Ozmun Place from Buffalo to Stewart avenue, Stewart avenue from Seneca to north side of Cascadilla bridge, Blair avenue from Mitchell to Cook, Willow avenue from Franklin to Marshall, Lake avenue from Hancock to Cascadilla, First street from Adams to Casca-

Reassessments for expenses of sewers.

dilla, Second street from Adams to Cascadilla, Third street from Hancock to Monroe, Fifth street from Hancock to Cascadilla, Falls street from Tioga to Lake, Railroad avenue from Utica to Lake, Jay street from Short to Tioga, Lewis street from Auburn to Tioga, Yates street from Auburn to Linn, Marshall street from Cayuga to Linn, Farm street from Cayuga to Linn, Cascadilla street from Meadow to Fourth, Cascadilla street from Plain to Sears, Cascadilla street from Cayuga to north side of creek, Esty street from Meadow to Albany, Mill street from Meadow to Plain, Mill street from Aurora to Linn, Buffalo street from Meadow to Eddy, Seneca street from Plain to Eddy, Green street from Fulton to Geneva, Wheat street from Meadow to Plain, Clinton street from Meadow to Cayuga, Center street from Titus avenue to Albany, Titus avenue from Plain to Cayuga, Spencer street from Cayuga to Tioga, Hudson street from Aurora to Pleasant, Prospect street from Tioga to Hudson, Pleasant street from Tioga to Hudson, Columbia street from Aurora to Hudson, Monroe street from Third to Lake avenue, Madison street from Fifth to Fourth, Madison street from Third to Lake avenue, Hancock street from Second to Lake avenue, Adams street from Dey to Auburn, Franklin street from Dey to Short, Williams street from Stewart avenue to Eddy, Queen street from Tioga to Aurora, Tompkins street from Aurora to Linn, to the extent only that the abutting properties have been benefited thereby, are hereby authorized and empowered, and it shall be their duty to cause to be reassessed upon the real estate abutting upon the streets hereinbefore specifically mentioned, a sum of money not exceeding the sum of thirty-six thousand one hundred seventy-nine dollars and four cents, with interest thereupon from the sixth day of January eighteen hundred and ninety-seven. Such reassessments shall be made by the common council of said city, in the manner provided for by section twelve of chapter one hundred and sixty-two of the laws of eighteen hundred and eighty-six for making assessments upon property especially benefited by the construction of said system of sewers and alterations and extensions thereof, and all such proceedings shall be had for confirming, correcting or annulling said reassessment as are now provided by said act in case of original assessments for like improvements; and the said reassessments for all the purposes of making, confirming, correcting or annulling the same shall be

How made,
etc.

regarded as original assessments made under and by virtue of the provisions of this act.

§ 2. After confirmation of the reassessment hereby authorized, it shall be the duty of the city clerk of said city to ascertain upon what portions of the real estate embraced therein the sums assessed in and by the said original assessments shall have been paid; and whenever it shall be ascertained to the satisfaction of the said city clerk, from the original assessment roll or otherwise, that the sum embraced in said original assessment against any lot or portion of real estate shall have been paid, such lot or portion of real estate upon which the amount so paid shall have been assessed in such original assessment shall be forever discharged of and from all lien, charge or incumbrance by virtue of or by reason of any reassessment authorized by this act, and shall be in no manner affected thereby; and as to the lots and portions of real estate so discharged, it shall be the duty of the city clerk of said city to cancel such reassessments on the records of his office, so that the same shall not appear to be a lien or charge upon said lots; and in case it shall be ascertained as aforesaid that any sum embraced in said original assessment shall have been paid in part only, the amount of said payment shall be applied upon the reassessment of said property, in like manner and with like effect as if the partial payment had been made upon the reassessment.

Ascertainment of payments of original assessments.

Discharge from lien, etc.

Cancellation of reassessments.

Application of part payment.

§ 3. Reassessments authorized by this act shall be a lien and charge upon all the lands and real estate embraced therein, except those lots and portions thereof upon which said original assessments have been paid as provided in section two, in the same manner and for the same time and with like effect in all respects as is provided by chapter one hundred and sixty-two of the laws of eighteen hundred and ninety-five in relation to taxes and assessments made and levied under or by virtue thereof. In case of non-payment of such reassessments or any or either of them, or any part or portion thereof, the same additions shall be made thereto under the provisions of said act as if said reassessments were the original assessments for said improvements; and proceedings for the collection of said reassessments and the sale of lands and premises embraced therein for the payment thereof, shall be had in the same manner and with like effect as if such reassessments were original assess-

Lien of reassessments.

Collection thereof.

ments under and by virtue of the provisions of said act, and all of the provisions now contained in said act, in relation to the making, levying and the payment and collection of local assessments, the sale of lands for the non-payment thereof and redemptions from such sales, are hereby expressly made applicable to the reassessments authorized by this act.

§ 4. This act shall take effect immediately.

Chap. 198.

AN ACT to amend section one hundred and six of the railroad law, relating to abandonment of unconstructed routes of street surface railroads.

Became a law, March 23, 1900, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and six of the railroad law is hereby amended so as to read as follows:

§ 106. Corporate rights saved in case of failure to complete road; right to operate branches; conditions; former consents ratified; limitations.—The corporate existence of and powers of every street surface railroad corporation, which has completed a railroad upon the greater portion of the route designated in its certificate of incorporation, within ten years from the date of filing such certificate in the office of the secretary of state, and which has operated such completed portion of its railroad continuously for a period of five years last past, and is now operating the same, shall continue with like force and effect, as though it had in all respects complied with the provisions of law with reference to the time when it should have fully completed its road. Every such corporation shall have the right to operate any extensions and branches of its railroad, now constructed and operated by it, which have been so constructed and operated by it, for a period of ten years last past, with like force and effect, as though the route of such extensions and branches were designated in its certificate of incorporation. But every such street railroad corporation is authorized to operate such railroad and any extensions or branches thereof, upon condition that it has heretofore, or shall

bercafter, obtain the consent of the local authorities having the control of that portion of the streets, avenues or highways included in such railroad, or any extension or branch thereof, to the construction and operation of the same, and also upon the condition that it has heretofore or shall hereafter first obtain the consent of the owners of one-half in value of the property bounded on the portion of the streets, avenues or highways included in the route of such railroad, or any extensions or branches thereof, to the construction and operation of the same, or in case the consent of such property owners cannot be obtained, the appellate division of the supreme court of the department in which such railroad or any extension or branch thereof is located, may, upon application, appoint three commissioners who shall determine, after a hearing of all the parties interested, whether such railroad ought to be constructed or operated, and their determination, confirmed by the court, may be taken in lieu of the consent of the property owners. If any street surface railroad corporation shall have made and filed a statement or statements of proposed extensions or branches embracing a line from the boundary of a city or village to the boundary of another city or village generally parallel with the route specified in its certificate of incorporation and generally distant not more than one-half mile therefrom, and shall have made and filed an agreement of consolidation with some other street surface railroad corporation formed to build a street railroad upon a route continuous or connecting with one or more of the routes described in such statement or statements of proposed extensions or branches, and thereafter there shall have been constructed and operated for a period of four years a street surface railroad from such city or village to such other city or village upon a line embraced in any such proposed extensions or branches, such consolidated corporation may relinquish and abandon any unconstructed route or unconstructed portions of route specified in the certificate of incorporation or in any statements of proposed extensions or branches of such first-mentioned corporation by filing in the office of the secretary of state a copy of a resolution of the board of directors of such consolidated corporation certified by its president and secretary, declaring such unconstructed route or unconstructed portions of route relinquished and abandoned, and thereupon the corporate rights, powers and franchises

of such consolidated corporation shall be and continue the same as though the certificate of incorporation of such constituent corporation had specified the constructed and not the unconstructed portions of such route and proposed extensions and branches. All consents heretofore given, or grants made by local authorities having the control of the portion of any street, avenue, or highway included in the route of such railroad, or any extensions or branches thereof, to any such street surface railroad corporation, are hereby ratified and confirmed and declared valid. This section shall be applicable to any corporations whose lines are wholly within any towns, cities or villages having less than twenty thousand inhabitants. This section shall not apply to or affect any railroad corporation in the city of New York; nor any special grant made to or authority conferred upon any street surface railroad corporation by any law of this state; nor any pending litigation; nor shall it impair existing rights, privileges or franchises of any street surface railroad corporation.

§ 2. This act shall take effect immediately.

Chap. 199.

AN ACT to amend the banking law in relation to the merger of corporations.

Became a law, March 23, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-four of the banking law is hereby amended so as to read as follows:

§ 34. **Merger.**—Any two or more corporations, other than savings banks organized under any one article of this chapter, or organized under the laws of this state for the purposes, or either of them, mentioned in any one article of this chapter, are hereby authorized to merge one or more of said corporations into another in the manner following: The respective boards of directors of such corporations may enter into and make an agreement, under their respective corporate seals, for the merger of one or more of said corporations into another of them, prescribing the terms and conditions thereof and the mode of carrying the same into

effect, which agreement shall be subject to the approval of the superintendent of banks, and may provide that such corporation upon and after such merger shall have the name of any one of the corporations merged, to be specified in said agreement, and may name the persons, not less than thirteen nor more than twenty-four, who shall constitute the board of directors of such corporation after its merger, or may provide for a meeting of stockholders within sixty days after the merger to elect a board of directors with such temporary provision for conducting the affairs of the corporation meanwhile as shall be agreed upon; and said directors so named or elected, after qualifying shall divide themselves into classes in manner and with effect as provided in section one hundred and sixty-one of the banking law of New York, and may adopt new by-laws for said corporation.

§ 2. Section thirty-five of the banking law is hereby amended so as to read as follows:

§ 35. Submission of merger agreement to stockholders.—Such agreement shall be submitted to the stockholders of each of such corporations at a meeting thereof to be called upon notice of at least two weeks, specifying the time, place and object thereof, addressed to each stockholder at his last known post-office address and deposited in the post-office, postage prepaid, and published for at least two successive weeks in one of the newspapers in each of the counties of this state in which either of such corporations shall have its principal place of business, and if such agreement shall be approved at each of such meetings of the respective stockholders separately by the vote or ballot of the stockholders owning at least two-thirds of the stock, the same shall be the agreement of such corporations. A sworn copy of the proceedings of such meetings, made by the secretaries thereof, respectively, shall be presumptive evidence of the holding and action of such meetings. Such agreement and verified copy of proceedings of such meetings shall be made in duplicate and filed in the office of the superintendent of banks, and in the office of the clerk of the county in which the principal place of business of the corporation into which such corporation or corporations shall be merged is located and thereupon such corporations shall be merged as specified in such agreement, and the corporation into which the other, or others are merged, shall thereafter have the new name, if any, specified in such agreement pursuant to

the provisions of section thirty-four of this act, and the provisions of such agreement shall be carried into effect as therein provided; and it shall be lawful for said corporation into which the others shall have been merged to require the return of the original certificate of stock held by each stockholder in each or either of the companies, and in lieu thereof to issue new certificates for such number of shares of its own stock as under the agreement of merger the said stockholder may be entitled to receive.

§ 3. Section thirty-eight of said banking law is amended so as to read as follows:

§ 38. Rights of creditors and others having relations with merged corporations.—The rights of creditors of any corporation that shall be so merged shall not in any manner be impaired by any such merger, nor shall any liability or obligation for the payment of any money due or to become due, or any claim or demand, in any manner, or for any cause existing against such corporation, or against any stockholder thereof, be in any manner released or impaired, and all the rights, obligations and relations of all the parties, creditors, depositors, trustees and beneficiaries of trusts shall remain unimpaired by the merger, but such corporation into which the other or others shall be merged shall succeed to all such relations, obligations, trusts and liabilities and be held liable to pay and discharge all such debts and liabilities, and to perform all such trusts of the merged corporation in the same manner as if such corporation into which the other shall become merged had itself incurred the obligation or liability or assumed the relation or trust, and the stockholders of the respective corporations so entering into such agreement shall continue subject to all the liabilities, claims and demands existing against them as such at or before such merger, and no suit, action or other proceeding then pending before any court or tribunal in which any corporation that may be merged is a party shall be deemed to have abated or discontinued by reason of any such merger, but the same may be prosecuted to final judgment in the same manner as if the said corporation had not entered into the said agreement, or the said last named corporation may be substituted in the place of any corporation so merged as aforesaid, by order of the court in which such action, suit or proceeding may be pending.

§ 4. This act shall take effect immediately.

Chap. 200.

AN ACT for the relief of William Williams a former member of the National Guard of this state.

Became a law, March 23, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The adjutant general is hereby authorized to receive proofs as to injuries received by William Williams, a former member of company A Forty-sixth regiment, New York state militia, in the year eighteen hundred and sixty, who claims to have been injured in the actual service of this state while engaged in a lawful parade at the city of Rome, New York, and to award to said William Williams such pension on account of such injuries as would be awarded in the like cases mentioned in section one hundred and sixty-two of the military code.

Authority to receive proof and award pension.

§ 2. Such pension, if any, as may be awarded to the said William Williams under the provisions of this act, to commence from the date of the approval of this act by the governor.

Commencement of pension.

§ 3. This act shall take effect immediately.

Chap. 201.

AN ACT authorizing the construction of a waste weir on the Erie canal at Spencerport, New York and making an appropriation therefor.

Became a law, March 23, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The superintendent of public works is hereby empowered and directed to cause the construction of a waste weir in place of waste weir number twelve on the Erie canal at Spencerport, New York. The same shall be built on the towing path side of the canal on plans prepared by the state engineer and surveyor and approved by the canal board.

Construction of waste weir.

§ 2. The sum of six thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in

Appropriation.

the treasury not otherwise appropriated, payable by the treasurer on the warrant of the comptroller to the order of the superintendent of public works for the purposes of carrying out the provisions of section one of this act.

§ 3. This act shall take effect immediately.

Chap. 202.

AN ACT to amend the primary election law, relative to nominations made at primary elections.

Became a law, March 23, 1900, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph numbered two of subdivision one of section four of chapter one hundred and seventy-nine of the laws of eighteen hundred and ninety-eight, entitled "An act in relation to enrollment for political parties, primary elections, conventions and political committees," as amended by chapter four hundred and seventy-three of the laws of eighteen hundred and ninety-nine, is hereby further amended to read as follows:

(2.) For the nomination of all candidates for public offices to be voted for at the ensuing elections who by rule adopted by a party, pursuant to section twelve of this act, are to be nominated at a primary election and not at a convention; and for the election of committeemen whose duty it shall be to fill vacancies in nominations in the cases and in the manner prescribed by section sixty-six of the election law.

§ 2. Section twelve of the primary election law, as amended by chapter four hundred and seventy-three of the laws of eighteen hundred and ninety-nine, is hereby further amended to read as follows:

§ 12. Nomination of candidates at primary elections.—In case the general committee representing a party in any city or village to which this act is applicable, or in a county wholly within any such city, or in a borough of any such city, shall adopt, by a majority vote, a rule that the nomination of that party's candidates for specified public offices to be filled wholly from such subdivision shall be made at the primary elections of the party,

then so long as such rule remains in force, the nomination of that party's candidates, for the public offices specified in such rule, shall be made by the enrolled members of the party at the official primary elections of the party held on the annual primary day. Such rule shall be adopted at least thirty days prior to said annual primary day and published, in the manner in which notices of primary elections are required to be published by this act, at least twenty days before such primary election. In case nominations for city or ward offices are made in primary election districts under a rule adopted as prescribed in this section, certificates showing the result of the votes for the several candidates for nomination in the several districts shall be made by the boards of inspectors thereof and filed in the office of the custodian of primary records who shall determine from such certificates the persons nominated for such offices.

§ 3. This act shall take effect immediately.

Chap. 203.

AN ACT to repeal chapter fifty-five of the laws of eighteen hundred and seventy-nine, entitled "An act to provide for the election of a police justice in the town of Waterford, county of Saratoga," and chapter one hundred and seventy-nine of the laws of eighteen hundred and eighty-one amending said chapter fifty-five of the laws of eighteen hundred and seventy-nine entitled "An act to amend chapter fifty-five, of the laws of eighteen hundred and seventy-nine."

Became a law, March 23, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter fifty-five of the laws of eighteen hundred and seventy-nine, entitled "An act to provide for the election of a police justice in the town of Waterford, county of Saratoga" and chapter one hundred and seventy-nine of the laws of eighteen hundred and eighty-one, entitled "An act to amend chapter fifty-five, of the laws of eighteen hundred and seventy-nine," are, and each of them is, hereby, severally, repealed. Act repealed.

§ 2. This act shall take effect immediately.

Chap. 204.

AN ACT to amend chapter one hundred and seventy-nine of the laws of eighteen hundred and ninety-eight, entitled "An act in relation to enrollment for political parties, primary elections, conventions, and political committees," relative to enrollment for primary elections.

Became a law, March 23, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Primary
election
law
amended.

Section 1. Subdivision four of section three, of chapter one hundred and seventy-nine of the laws of eighteen hundred and ninety-eight, entitled "An act in relation to enrollment for political parties, primary elections, conventions, and political committees," as amended by chapter four hundred and seventy-three of the laws of eighteen hundred and ninety-nine, is hereby further amended so as to read as follows:

Special en-
rollment of
electors.

4. At any time during the months of May and June, and in any year when a president of the United States is to be elected in the month of February also, any elector who was registered as a voter at one of said four meetings for registration in the preceding year but who did not then enroll with any party, may become specially enrolled in, and have his name added to the original enrollment books of, any party in the election district in which he then resided and still resides, in the manner following: He shall make, and acknowledge before an inspector of election in the election district in which he resides, or any officer authorized by law to take the acknowledgment of deeds to be recorded in this state, and file or cause to be filed, with the custodian of primary records a statement embodying a declaration in the following form: "I, (naming the elector) do solemnly declare that I reside at (specifying his residence address), and am a qualified voter of the (specifying the number) election district of the (specifying the number) assembly district (or ward) in the city (or village) of (naming it); that at one of the last four preceding days of registration I registered as a voter, in the said election district, but did not enroll, and I request that I be specially enrolled with the (naming it) party; that I am in general sympathy with the principles of the (naming it) party; that it is

Statement
to be made
and filed.

my intention to support generally at the next general election, state or national, the nominees of such party for state or national offices; and that I have not enrolled with or participated in any primary election or convention of any other party since the first day of last year. The word 'party' as used herein means a political organization which at the last preceding election of a governor polled at least ten thousand votes for governor." Upon the filing of such statement, the custodian of primary records shall enroll such elector in the original enrollment books for the proper election district and shall record, in the proper columns thereof, the name and residence address of such elector, the election district in which he is registered as a voter, the name of the party designated in such statement, the number opposite his name on the registration book, the fact that the elector is specially enrolled, and the date of such special enrollment. If subsequent to any general election and prior to the first day of July next ensuing, territory to which this act is not applicable shall have become incorporated with a city or village to which it shall then be applicable, any elector residing in such annexed territory may become enrolled in and have his name added to the original enrollment books, of any party for the election district in which he resides, at the times and in the manner provided in this subdivision. The enrollment of any such elector, so made, heretofore, is hereby legalized, ratified and confirmed in all respects as if made in pursuance of the provisions hereof.

Duty of
custodian
of primary
records.

Enrollment
of elector
in territory
annexed to
city or
village.

§ 2. This act shall take effect immediately.

Chap. 205.

AN ACT to amend chapter five hundred and ninety-four of the laws of eighteen hundred and ninety-eight, relative to transmission of certificates of election and the publication of lists of nominations, in certain counties of the state.

Became a law, March 23, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter five hundred and ninety-four of the laws of eighteen hundred and ninety-eight entitled

Act
amended.

"An act to provide for the holding of town meetings and elections in counties of the state having a certain population" is hereby amended so as to read as follows:

Canvass of
votes by
inspectors.

§ 3. At the close of the polls at any such biennial town meeting and election in any such town the inspectors of election shall proceed to canvass the votes for the candidates for the several town offices, and for and against all town propositions duly submitted to the voters of such town in the election districts where such meeting and election was held, in the same manner as the votes for other candidates and propositions cast at the general election are canvassed. The inspectors of election shall perform the same duties with respect to the canvass of the vote and the filing of the returns thereof for such town officers, and all other matters pertaining to the determination of the result of the election as is now provided by law, with respect to the canvass and return of the votes cast for other officers elected at the general election held at the time of the holding of such town meeting and election. The county board of canvassers shall canvass the votes cast at any such town meeting and election for town officers and propositions voted upon at any such town meeting and election, in the same manner as is provided by law for the canvass of votes cast at general elections. All provisions of law relating to the canvass of votes cast at a general election by the county board of canvassers, to the correction of clerical errors, the review of the determination by such board of canvassers, and all other matters pertaining to the canvass of the votes cast at a general election, shall be applicable to the canvass of all votes for such town officers and propositions. The county clerk of any such county shall transmit to the clerk of each town therein a certified copy of the determination of the county board of canvassers as to the election of each town officer and proposition voted for at the town meeting and election held in such town. The county clerk of any such county shall transmit to each person declared by the board of canvassers thereof to be elected to a town office therein a certificate of the determination of such board. Upon the receipt by the town clerk of a certified copy of the certificate of the determination of the county board of canvassers hereinbefore mentioned, the town clerk and justices of the peace shall meet and appoint in writing the additional in-

Duties of
inspectors.

Canvass by
county
board of
canvassers.

Determina-
tion of
board.

Appoint-
ment of
additional
inspectors.

spectors of election as required by law. No list of nominations of candidates for town offices to be filled at any such biennial town meeting and election, or the result of the official canvass of the votes cast thereat, shall be required to be published. All the provisions of the election law not inconsistent with the provisions of this act shall apply to and govern town meetings and elections held as provided herein.

Lists of nominations, etc., not to be published

Election law applicable.

§ 2. This act shall take effect immediately.

Chap. 206.

AN ACT to amend section eighty-five of article five of chapter seven hundred and twenty-three of the laws of eighteen hundred and ninety-five as amended by chapter three hundred and twenty-four of the laws of eighteen hundred and ninety-six, affecting the qualifications of the electors and trustees of Methodist Episcopal churches in the boroughs of Brooklyn and Queens, in the city of New York.

Became a law, March 23, 1900, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-five of article five of chapter seven hundred and twenty-three of the laws of eighteen hundred and ninety-five, is hereby amended so as to read as follows:

§ 85. Organization and conduct of corporate meetings; qualifications of voters thereat.—At a corporate meeting of an incorporated church to which this article is applicable the following persons and no others, shall be qualified voters, to wit: All persons of full age, who are then members in good and regular standing of such church by admission into full communion of membership therewith, in accordance with the rules and regulations thereof, and of the governing ecclesiastical body, if any, of the denomination or order to which the church belongs, or who have been stated attendants on divine worship in such church and have regularly contributed to the financial support thereof during the year next preceding such meeting; and any incorporated church in connection with the Congregational

denomination may at any annual corporate meeting thereof, if notice of the intention so to do has been given with the notice of such meeting, determine that thereafter only members of such church shall be qualified voters at corporate meetings thereof. The presence at such meetings of at least six persons qualified to vote thereat shall be necessary to constitute a quorum. The action of the meeting upon any matter or question shall be decided by a majority of the qualified voters voting thereon, a quorum being present. The first named of the following persons who is present at such meeting, shall preside thereat, to wit: The minister of such church, the officiating minister thereof; the officers thereof in the order of their age beginning with the oldest, any qualified voters elected therefor at the meeting. The presiding officer of the meeting shall receive the votes, be the judge of qualifications of voters and declare the result of the votes cast on any matter. The polls of an annual corporate meeting shall continue open for one hour, and longer in the discretion of the presiding officer, or if required, by a majority of the qualified voters present. At each annual corporate meeting, successors to those trustees whose terms of office then expire, shall be elected from the qualified voters by ballot, for a term of three years thereafter; provided however, that the Methodist Episcopal church in the boroughs of Brooklyn and of Queens, in the city of New York, which is now or hereafter may become a beneficiary of the Brooklyn church society of the Methodist Episcopal church, by receiving from said society contributions to its current income, or by loan or loans, gift or gifts from the same, may elect to fill any vacancy or vacancies existing in its board of trustees by expiration of term, or for any other cause, at any corporate meeting legally called, not to exceed at any time three members of said board of trustees, who shall have been nominated to such positions by the Brooklyn church society, of the Methodist Episcopal church without regard to any qualifications for trustees required by this act, and such trustees or their successors, nominated and elected in the same manner, shall continue in office so long as said church shall be a beneficiary of said society. Notice of expiration of term of said trustees shall be given by the said church to the said society not less than two months before said expiration of term.

Chap. 207.

AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claim of Frederic W. Brown against the state for services rendered by him to the state, and render judgment therefor.

Became a law, March 23, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Jurisdiction is hereby conferred upon the court of claims to hear, audit and determine the alleged claim of Frederic W. Brown, of the city of Buffalo, New York, for work, labor and services alleged to have been performed for the state pursuant to an employment by the duly constituted authorities and officers of the state as inspector of construction of the armory building of the Seventy-fourth regiment, at Buffalo, New York, and in preparing plans and specifications for the superintendent's residence at the Buffalo state hospital, Buffalo, New York, and for preparing plans for the alteration of the main building, also plans for staff house, dormitory, and amusement hall, at said state hospital, and for damages suffered by said claimant by reason of a breach of said contract of employment and to make an award and render judgment therefor against the state and in favor of said claimant for such sum as may be just and equitable.

§ 2. No award shall be made or judgment rendered herein against the state, unless the facts proved shall make out a case against the state which would create a liability were the same established in evidence in a court of law or equity against an individual or corporation, and in case such liability shall be satisfactorily established, then the court of claims shall award to and render judgment for the claimant for such sum as shall be just and equitable, notwithstanding the lapse of time since the accruing of such claim, provided the claim hereunder is filed with the court of claims within one year after the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 208.

AN ACT to amend section thirteen of chapter five hundred and fifty-nine of the laws of eighteen hundred and ninety-five, entitled "An act relating to membership corporations, constituting chapter forty-three of the general laws," relating to the purchase, sale, mortgage and lease of real property.

Became a law, March 23, 1900, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirteen of chapter five hundred and fifty-nine of the laws of eighteen hundred and ninety-five, entitled, "An act relating to membership corporations, constituting chapter forty-three of the general laws," passed May eight, eighteen hundred and ninety-five, is hereby amended so as to read as follows:

§ 13. Purchase, sale, mortgage and lease of real property.—No purchase, sale, mortgage or lease of real property shall be made by a membership corporation, unless ordered by the concurring vote of at least two-thirds of the whole number of its directors, provided however that when the whole number of directors is not less than twenty-one, the vote of a majority of the whole number shall be sufficient. No real property of a membership corporation shall be leased without leave of the court, for a longer period than five years, or sold or mortgaged. A mortgage may be executed to secure the payment of bonds issued or to be issued to different persons. The court may grant leave to a membership corporation to convey real property without consideration, to another membership corporation created for the same or kindred purposes. If a mortgage of the real property of any such corporation be executed and delivered without leave of the court, the court may thereafter on such proceedings as are required to obtain leave of the court to mortgage such property, confirm such previously executed mortgage, and thereon such mortgage shall be as valid and of the same force and effect as if it had been executed and delivered with leave of the court, except as to purchasers or incumbrancers of such real property, subsequent to the execution and delivery of such mortgage. A membership corporation may, if its by-laws so provide, and pursuant to the provisions thereof, and without leave of the court, convey to a member of the corporation a portion of its real property for the erec-

tion thereupon of a cottage or other dwelling house with suitable out buildings, on the terms and conditions that such portion, together with the buildings thereupon, shall belong to such member and on his death pass as part of his estate to his heirs or devisees, but that the land, whereupon such buildings shall be erected, shall be inalienable by him or them, except to the corporation or to a member thereof, and that such member in his lifetime, or after his death, his heirs or devisees, may convey such interest in such property to the corporation, or to a member thereof for such sum as may be mutually agreed on, but not to any other person. Such conveyance may provide that the grantees of the interest in each lot so conveyed shall be entitled to one vote, either in person or by proxy, at all meetings of the corporation, if the by-laws authorize such a provision. Except as otherwise provided in this chapter no portion of a cemetery of a cemetery corporation which any person other than the corporation is entitled to use for burial purposes, or in which burials have been made and not lawfully removed, shall be sold, mortgaged or leased by the corporation.

Chap. 209.

AN ACT to amend section two hundred and thirty-one of the code of civil procedure, relative to the transferring of appeals to appellate divisions, to adjoining departments.

Became a law, March 23, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and thirty-one of the code of civil procedure is hereby amended so as to read as follows:

§ 231. Reargument, et cetera, when cause to be heard in another department.—Where in any case four justices of the appellate division in any department are not qualified to sit therein, or where the justices qualified to hear the appeal are equally divided, the court must direct the same to be sent to another department to be specified in the order to be there heard and determined. Where in any case when an appeal to the appellate division of any department comes on for argument, and the justice before whom the action was tried or who granted the order ap-

pealed from, is a member of such appellate division, the appellant may make an application to such appellate division for, and the court may grant, an order directing that such appeal be sent to an adjoining department to be specified in the order, to be there heard and determined.

§ 2. This act shall take effect on the first day of September, nineteen hundred.

Chap. 210.

AN ACT to provide for the cleaning of Indian Lake reservoir, in Hamilton county, and the clearing of the shores thereof, and making an appropriation therefor.

Became a law, March 23, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation.

Section 1. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for the cutting, burning and removing of the dead timber, snags and accumulations of debris in Indian Lake reservoir, or from the shores thereof, and floating and sluicing the same into Indian river. Such work shall be performed and completed under the direction and supervision of the state superintendent of public works, and the money hereby appropriated shall be payable by the treasurer on the warrant of the comptroller, upon the certificate of the superintendent of public works.

Supervision of work.

§ 2. This act shall take effect immediately.

Chap. 211.

AN ACT to amend chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-four, entitled "An act relating to canals, constituting chapter thirteen of the general laws."

Became a law, March 23, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and forty-three, article eight of chapter three hundred and thirty-eight of the laws of eight-

een hundred and ninety-four, entitled "An act relating to canals, constituting chapter thirteen of the general laws" is hereby amended so as to read as follows:

§ 143. Drafts of money by the superintendent for the payment of contracts.—The superintendent of public works may draw on the comptroller for any sum to be paid to a contractor on his contract, and if a copy of the contract shall have been duly filed in the office of the comptroller, and a receipt of the contractor for such drafts filed in the same office, the comptroller shall draw a warrant on the treasurer for the amount of such draft. The superintendent of public works shall not be allowed to have in his hands at any one time more than fifty thousand dollars, and every sum advanced to or received by him shall be deemed to remain in his hands until its application shall have been properly accounted for to the comptroller.

§ 2. This act shall take effect immediately.

Chap. 212.

AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine the alleged claims of Susan J. Deltry, Eugene M. Draper and Julia Borgersrud against the state of New York for damages alleged to have been sustained by them, and to render judgment therefor.

Became a law, March 23, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Jurisdiction is hereby conferred upon the court of claims to hear, audit and determine the alleged claims of Susan J. Deltry, Eugene M. Draper and Julia Borgersrud of Ilion, against the state for damages alleged to have been sustained by them by reason of the construction of a hoist-bridge over the Erie canal at the head of Railroad street in the village of Ilion, and to make an award, and render judgment therefor against the state and in favor of said claimants, and to render such other and further relief as by the said court may be deemed just and proper in the premises.

§ 2. No award shall be made or judgment rendered herein against the state unless the facts proved shall make out a case

Jurisdiction
to hear
claims.

Award or
judgment.

against the state, which would create a liability, were the same established in evidence in a court of law or equity against an individual or corporation; and in case such liability shall be satisfactorily established, then the court of claims shall award to and render judgment for the claimants for such sum as shall be just and equitable, notwithstanding the lapse of time since the accruing of damages, or other proceedings had herein, provided, the claims hereunder are filed with the court of claims within one year after the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 213.

AN ACT to amend chapter two hundred and twenty-seven of the laws of eighteen hundred and ninety-eight, relative to the expense to be borne by street railway companies for the paving of streets in the city of Cohoes, et cetera.

Accepted by the city.

Became a law, March 23, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision one of section four, of chapter two hundred and twenty-seven, of the laws of eighteen hundred and ninety-eight, entitled "An act to create a public improvement commission in and for the city of Cohoes and to define its powers and duties," as amended by chapter five hundred and fifty, of the laws of eighteen hundred and ninety-nine, is hereby amended so as to read as follows:

§ 4. Subdivision 1. To lay out, make, grade and regrade streets, alleys, lanes, highways, parks and public grounds in said city, and to alter, widen, contract, straighten and extend the same, and to establish and re-establish grades for the same.

§ 2. Section six of chapter two hundred and twenty-seven of the laws of eighteen hundred and ninety-eight, is hereby amended so as to read as follows:

§ 6. The said commission shall have power to cause any street, alley, lane, highway or public ground, or any part or parts thereof

Act
amended

Laying out,
etc., of
streets.

Paving,
etc., of
streets.

in said city, to be paved, repaved, graded or regraded, and if necessary to be properly graded, for the purposes of paving or repaving the same, and to construct all necessary curbstones, for the purpose of such paving and repaving, when and wherever the public convenience in their judgment requires the same. The expense of the construction of the curbstone to be paid by the abutting property owners, and shall be levied and assessed against such abutting property. Every street railway now or hereafter operated in said city shall be taxed for and shall pay the expense of paving, repaving or grading and paving that portion of every street or other way paved, repaved or graded and paved, covered by its road, and a space two feet in width outside of and adjoining its tracks on either side. The balance of the expense of all such paving, repaving, grading and regrading, grading and paving of public grounds shall be paid by the city at large. One-half of all the expense of such paving, repaving, grading and paving of streets and other ways and places, shall be paid by the city at large; and the other half thereof shall be defrayed by special tax upon the real estate adjacent and contiguous to that part of the street or other way paved, repaved, or graded and paved, and upon the owners thereof, according to the benefit received except that the city at large shall also pay the expense of paving, repaving, or grading and paving the crossings of streets and other ways, and no part of the expense of paving, repaving, grading or regrading, or grading or paving any street or other way, or part of a street or other way, shall be taxed upon the lands not adjacent and contiguous to that part of the street or other way paved, repaved, graded or regraded or graded and paved, except as herein otherwise provided. When the said commission shall have determined to cause any street or other way to be paved, repaved, graded or regraded, or graded and paved, and shall have entered into contract therefor, the assessors, upon being notified by the said commission to do so, shall forthwith proceed to make a special assessment and certificate, entering therein the names of all owners of land adjacent and contiguous to that part of the street or other way paved, repaved, graded or regraded, or graded and paved, and the name of every street railway operating on such street or other way, and designating therein the parcels of such land owned by non-residents, according to their best

Curbstones

Expense,
how paid.Special
assessment
and certifi-
cate.

knowledge and information. They shall make a just and equitable assessment of the proper proportion of the expense of such paving, repaving, grading or regrading, or grading and paving, against such lands and owners, and against such street railway, if any, operated on such street or other way, assessing upon the several parcels of real estate adjacent and contiguous to that part of the street or other way paved, repaved, graded or regraded, or graded and paved, and upon the respective owners thereof, such portion of the said expense to be so assessed as shall be proportionate to the benefit received by such real estate owned by each person, and upon said street railway the portion of said expense hereinbefore mentioned, and shall enter in said certificate a brief but careful description of each parcel assessed and the sum assessed upon it.

§ 3. Section eleven of chapter two hundred and twenty-seven of the laws of eighteen hundred and ninety-eight, is hereby amended so as to read as follows:

§ 11. It shall be the duty of the common council of the city of Cohoes to enact and promulgate ordinances, from time to time, requiring the owners of property along every street, avenue, highway or alley in said city, in which a public sewer then exists, to make proper connections by pipes between such sewers and the buildings or vaults on such property, specifying the manner and material with which such connections shall be made, and shall provide in such ordinance for the due enforcement thereof, and for the punishment of all guilty of neglect to comply therewith, by such penalty, fine or imprisonment as the said common council is authorized by existing laws to impose, and enact in the ordinances that may be adopted by that body.

§ 4. Section thirteen, of chapter two hundred and twenty-seven of the laws of eighteen hundred and ninety-eight, as amended by chapter five hundred and fifty of the laws of eighteen hundred and ninety-nine, is hereby amended so as to read as follows:

§ 13. Whenever the said commission shall have determined to lay out, alter, widen, straighten, extend, make, open or contract any street, alley, lane, highway, park, place or public land or to pave or cause to be paved or repaved or graded or regraded, any street or highway or public ground, or to establish or re-establish grades for the same, or to construct any sewer in said city, the

Ordinances
for sewer
connections.

General
plan and
estimate of
improvement.

said commission shall file in the office of the clerk of said city, a general plan of the work to be done; and the estimated cost thereof; and the said estimated cost thereof shall not be exceeded. Thereupon the said commission shall publish at least twice in the official paper a notice to all persons interested in such improvement, appointing a place and time not less than two weeks after the first publication, to hear all persons interested for or against such improvement; or interested in any determinations made therein. Such notice shall precede any other public notice required in the proceedings affecting such improvement, and shall contain a brief description of the improvement proposed together with a statement of what portion of the whole expense, if any, should, in its opinion, be paid by local assessment upon the property benefited. At the time and place appointed to hear all persons interested as hereinbefore specified, said commission shall have the power to change, alter, add to or modify their first and original determination in reference to such improvement and shall also have the power and right to change their opinion in reference to what portion of the whole expense should be paid by local assessment upon the property benefited, and to make and devise a new or other opinion or opinions in relation thereto. Such hearing can, at the discretion of said commission, be adjourned from time to time if deemed advisable. Said commission shall at any time have the right to discontinue all proceedings in reference to any of the improvements mentioned in this section.

Notice to
persons in-
terested.

Hearing
and power
of com-
mission
thereon.

Discontinu-
ance of pro-
ceedings.

§ 5. Section fourteen of chapter two hundred and twenty-seven of the laws of eighteen hundred and ninety-eight, as amended by chapter five hundred and fifty of the laws of eighteen hundred and ninety-nine, is hereby amended so as to read as follows:

§ 14. Whenever said commission shall determine to cause any of the improvements mentioned in this act to be done, of which the cost and expense of the whole or any part thereof shall be paid by local assessment upon the property benefited, and shall have entered into contract for the performance of said work, it shall certify to the assessors of said city, that it has so determined, entered into contract, the cost and expense of the entire improvement which shall include such proportion of the salaries and expenses of the officers and employees of said commission and the

Assessment
of expense
of improve-
ments.

expenses of said commission as it shall deem proper, together with the amount of such costs and expenses which the owners of said property shall pay, and in case of any sewer, sewers, and drains, or sewerage systems heretofore constructed or for which a contract has heretofore been made and for which no assessment is made, and in case of the construction of any sewer, sewers, drains, drainage or sewerage systems hereafter to be constructed, the said commission shall also certify a particular description of the length of such sewer, the cost per foot, and whether the same is a main or trunk sewer, and if so, a particular description of the sewers and drains which are contributory thereto; and also a brief description of the premises and property abutting such sewer, drains, main or trunk sewers and contributory sewers and drains. The said assessors shall forthwith proceed to make a special assessment and certificate, entering therein, in separate columns, the names of all the persons assessed, the description of all lots and parcels of lands assessed, and the amount each shall be assessed, assessing justly and equitably upon each parcel of land and upon each owner thereof, respectively, such portion of such expense to be paid by the property thus determined to be benefited as nearly as may be to the advantage which each shall be deemed to receive by the making of such improvement, but in making such assessment regard shall be had only to benefit received. When such certificate is completed, they shall fix a time and place of meeting to correct the same and shall give notice of such meeting stating where such certificate can in the meantime be seen and examined, by publishing such notice at least twice in the official paper of said city, which publication shall be completed at least ten days before the time so fixed for a meeting. At the time and place so appointed said assessors shall meet and hear all persons appearing before them who shall feel that they are aggrieved by said assessment and after said hearing shall make such corrections, if any, in such certificate as in their judgment will render such assessment more just and equitable. When said certificate shall be thus corrected, or when the assessors after such hearing shall have determined that it needs no correction, they shall deliver the same and the total thereof, both of which shall be signed by a majority or by all of them, to the common council within five days after same shall have

Special
assessment
and certifi-
cate.

Notice of
review.

Hearing
and correc-
tions.

Delivery
to council.

been completed by them as aforesaid, but such time may be extended by the common council. Any person considering himself aggrieved by said assessment shall have the right to be heard in relation thereto before the common council of said city at its first regular meeting after delivery of the certificate as aforesaid, and at its second regular meeting after such delivery the common council shall either confirm in whole or in part or annul such assessment, and in so doing shall have power to correct, add to or amend such assessment in any manner it may deem proper. If it confirm the same, any person who shall consider himself aggrieved thereby may appeal to the county court of Albany county, within the time and in the manner as nearly as may be, as provided by law for appeals from determinations of commissioners of highway in laying out roads, but if it annul the same all proceedings of the assessors in relation thereto shall be void, and new proceedings may be taken in the matter, in the manner as provided under this section. If the assessors or any or either of them be interested in property liable to be affected by such assessment, or be for any cause incapable of acting, the common council may appoint in the place of each assessor thus disqualified, a disinterested freeholder of said city, residing therein, to perform the duties of such assessor and every freeholder before entering upon the performance of said duties, shall take and subscribe an oath to make the assessment faithfully, honestly and impartially according to his best judgment. When any such assessment shall be finally confirmed by the common council or competent tribunal, the duplicate certificate thereof hereinbefore mentioned, shall be thereupon filed with the clerk, and both shall be deemed to be originals, to one of which shall be annexed a warrant for the collection of said taxes as prescribed for the collection of general city taxes of said city, and to the other a copy of said warrant with a receipt of the chamberlain for such certificate and warrant. No assessment or reassessment made for the expense of a public or local improvement in said city, shall be set aside or be held to be invalid because the same may have been or may be made in terms against an owner or owners unknown, or the estate of a deceased person (naming such person) or the executor, administrator, heirs or devisees of a deceased person (naming such person) or against

Hearing
and con-
firmation
by council

Appeals
to county
court.

Freeholder
may be
appointed
to perform
duties of
assessors.

Filing of
assessment

Warrant
for collec-
tion.

Assessment
not invalid
because of
imperfect
descrip-
tions, etc.

a company or firm named, or against the person in whose name record is, though not the actual title of the property assessed, or through any cause arising from mistake or ignorance as to the name of the owner, whether an individual or a corporation, provided the property assessed is sufficiently described to identify and indicate the particular lot or tract which it was intended to assess. If upon any hearing in relation to any assessments under this act it shall appear by reason of any alleged irregularity or invalidity, the expense of any local improvement has been unlawfully increased, the common council thereof or any court or judge before whom the proceedings or assessment may be pending or up for review, may order that such assessment upon the lands of any aggrieved party or parties be modified by deducting therefrom such sum as is in the same proportion to such assessments as is the whole amount of such unlawful increase to the whole amount of expense of such local improvement. If in the proceedings relative to any assessment or assessments for any local improvement in the city of Cohoes or in the proceedings to collect the same any fraud or defect in the work or substantial error shall be alleged to exist or have been committed, the party aggrieved thereby may, within twenty days after confirmation of the assessment by the common council apply to have the assessment vacated or reduced or both to a judge of the supreme court at special term or his chambers or to the county judge of Albany county, who shall thereupon upon due notice to the said commission and its attorney and to the contractor and his sureties and any other person or persons if either of them be proper parties, proceed forthwith to hear the proof and allegations of the parties. Hereafter no suit or action in the nature of a bill in equity or otherwise shall be commenced for a vacation of any such assessment or assessments to remove the cloud upon the title arising from any assessment hereafter made. Owners of property shall hereafter in proceedings to reduce, vacate or stay payments of assessment be confined to the form of proceeding in this act mentioned. No assessment that may be hereafter made shall be void or shall be vacated nor the sale of property therefor or thereunder be declared illegal or the deed or certificate of conveyance therefor be adjudged invalid or illegal or any money paid on account or because of said assessment be recovered back or refunded because of any

Modification
of assessments.

Vacation or
reduction
of assessments.

Assessment
not to be
vacated,
etc., unless
objections
filed.

error, illegality or irregularity in any of the proceedings in relation to the work or improvement for which such assessment is made prior to the commencement of the work including the letting of the contract for such work unless the party objecting thereto shall have filed his objection or objections with the clerk of said commission within ten days after the letting of contract for such work, stating the error and illegality or irregularity complained of together with his address. In the case of an improvement consisting of the construction of sewers and drains for which a contract has heretofore been made, it shall be the duty of said commission to make a certificate to the assessors, hereinbefore set forth, and before service thereof upon the assessors, file the same with the clerk of the city of Cohoes. Thereupon said commission shall give a public notice by inserting the same in the newspaper in which other notices of said commission are required to be published, one publication thereof, that the said commission has made a certificate and filed the same with the clerk of the city of Cohoes, where the same may be examined, and at the time set forth in said notice the said commission will hear all persons interested in the same, and at said hearing the said commission shall have the power to alter or amend said certificate, and thereafter shall serve said certificate with amendments and alterations, if any, on said assessors, and thereupon the said assessors shall make an assessment thereafter as set forth herein, and without regard to any determination heretofore made by said commission, describing the territory benefited by said improvement.

Certificate
as to con-
struction of
sewers, etc.

Notice of
hearing.

Hearing of
persons
interested.

Asses-
ment.

§ 6. Section seventeen of chapter two hundred and twenty-seven of the laws of eighteen hundred and ninety-eight, as amended by chapter five hundred and fifty of the laws of eighteen hundred and ninety-nine, is hereby amended so as to read as follows:

§ 17. Any person, persons or corporations assessed for any of the improvements provided for in this act, and as provided by this act, shall be discharged from said assessment upon his or its property, by paying the amount so assessed to the chamberlain within twenty days after the confirmation of any such assessment, and thereafter any such person or corporation may, by paying the said assessment, with an addition of one per centum for each and every month that the

Payment
of assess-
ment.

same has remained unpaid after the confirmation thereof, be discharged from such assessment. But when any assessment made under the provisions of this title shall exceed the sum of sixty dollars the person or corporation against whose property said assessment is made shall have the option of paying such assessment in five equal installments. The first of such installments shall be due and collectible on the confirmation of any such assessment, and one of such installments shall be due and collectible at the expiration of each year thereafter for four years. Such installments shall bear interest at a rate of six per centum per annum from and after the time of the confirmation of any such assessment until the same shall become due and payable and thereafter shall pay the percentage above set forth. Such person or corporation shall be deemed to avail himself or itself of said option by payment of such first installment within six months from the confirmation of said assessment, and in case of the failure to pay said first installment within said period of six months, or the payment of any subsequent installment within six months from the time the same shall become due, the whole of said assessment, or the balance unpaid shall become due and payable immediately. From and after the expiration of twenty days after the confirmation of such assessment, it shall be the duty of the common council of the city of Cohoes to issue certificates of indebtedness of said city to the amount of said assessment that then remains unpaid; the same to be divided in four equal parts, payable in one year, two years, three years, and four years from date, respectively. Such certificates of indebtedness shall be paid from the moneys received from the said assessment, and shall be executed in the same manner as provided for the execution of bonds of said city in the preceding section of this act.

§ 7. Section eighteen of chapter two hundred and twenty-seven of the laws of eighteen hundred and ninety-eight, is hereby amended so as to read as follows:

§ 18. The proceeds received from the sale of bonds as provided in section sixteen of this act, and from the sale of certificates of indebtedness as provided in section seventeen of this act, and assessments provided for in this act, collected by the chamberlain of said city before the sale of said certificates of indebtedness, and not included in the amount for which said certificates

Option to
pay in in-
stallments.

Issue of
certificates
for unpaid
assessment.

Payment
thereof.

Proceeds
of sale of
bonds.

of indebtedness shall be issued, shall be set apart by the chamberlain of said city, who shall pay therefrom, only upon the order of said commission, from time to time, such amounts as shall be required to pay the expenditures which said commission is hereby empowered by this act to make. The said commission shall not audit any bill or order its payment until the same shall be verified as required by law in presenting claims to the common council against the city of Cohoes.

Verifica-
tion of bill.

§ 8. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal.

§ 9. This act shall take effect immediately.

Chap. 214.

AN ACT to confer jurisdiction upon the court of claims to hear audit and determine the alleged claim of Susan Slattery against the state for damages alleged to have been sustained by her, and to render judgment therefor.

Became a law, March 23, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Jurisdiction is hereby conferred upon the court of claims to hear, audit and determine the alleged claim of Susan Slattery, of New York city, against the state, for damages alleged to have been sustained by her by reason of accident, on the tenth day of February eighteen hundred and ninety-nine, while engaged in the operation of a steam mangle in the Manhattan state hospital on Ward's Island, in the East river, in the city of New York, and to make an award and render judgment therefor against the state and in favor of said claimant.

Jurisdic-
tion to hear
claim.

§ 2. No award shall be made or judgment rendered herein against the state, unless the facts proved shall make out a case against the state, which would create a liability, were the same established in evidence in a court of law or equity against an individual or corporation; and in case such liability shall be satisfactorily established, then the court of claims shall award to and render judgment for the claimant for such sum as shall be just and equitable, notwithstanding the lapse of time since the

Award or
judgment.

accruing of damages, provided the claim hereunder is filed with the court of claims within one year after the passage of this act.

§ 3. This act shall take* immediately.

Chap. 215.

AN ACT to amend the forest, fish and game law, in relation to Mongolian ring-necked pheasants.

Became a law, March 23, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-one of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," is hereby amended to read as follows:

§ 31. Mongolian ring-necked pheasants.—There shall be no open season for Mongolian ring-necked pheasants, nor shall the same be killed and possessed, except in the county of Suffolk, prior to the year nineteen hundred and five. Such pheasants shall not be taken or possessed in the county of Suffolk from January first to October thirty-first, both inclusive.

§ 2. This act shall take effect immediately.

Chap. 216.

AN ACT amending the penal code by inserting therein a new section to be known as section three hundred and sixty-three-b, relating to the use of assumed names in business.

Became a law, March 23, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The penal code is hereby amended by inserting therein a new section to be known as section three hundred and sixty-three-b and to read as follows:

§ 363-b. 1. No person or persons shall hereafter carry on or conduct or transact business in this state under any assumed name or under any designation, name or style, corporate or

*So in the original.

Penal code amended.

Conducting, etc., business under assumed name without filing certificate prohibited.

otherwise, other than the real name or names of the individual or individuals conducting or transacting such business, unless such person or persons shall file in the office of the clerk of the county or counties in which such person or persons conduct, or transact, or intend to conduct or transact such business, a certificate setting forth the name under which such business is, or is to be, conducted or transacted, and the true or real full name or names of the person or persons conducting or transacting the same, with the postoffice address or addresses of said person or persons. Said certificate shall be executed and duly acknowledged by the person or persons so conducting, or intending to conduct said business.

2. Persons now conducting such business under an assumed name, or under any such designation referred to in subdivision one, shall file such certificate as hereinbefore prescribed, within thirty days after this act shall take effect, and persons hereafter conducting or transacting business as aforesaid shall, before commencing said business, file such certificate in the manner hereinbefore prescribed.

Filing of certificate.

3. The several county clerks of this state shall keep an alphabetical index of all persons filing certificates, provided for herein and for the indexing and filing of such certificates, they shall receive a fee of twenty-five cents. A copy of such certificate duly certified to by the county clerk in whose office the same shall be filed shall be presumptive evidence in all courts of law in this state of the facts therein contained.

Index and filing fee.

Copy evidence.

4. This act shall in no way affect or apply to any corporation duly organized under the laws of this state, or to any corporation organized under the laws of any other state and lawfully doing business in this state, nor shall this act be deemed or construed to prevent the lawful use of a partnership, name or designation, provided that such partnership name or designation shall include the true or real name of at least one of such persons transacting such business.

Corporations and partnerships not affected.

5. Any person or persons carrying on, conducting or transacting business as aforesaid, who shall fail to comply with the provisions of this act, shall be guilty of a misdemeanor.

Misdemeanor.

§ 2. This act shall take effect on the first day of September, nineteen hundred.

Chap. 217.

AN ACT to amend section twenty-four hundred and sixty-one of the code of civil procedure, relating to supplementary proceedings upon judgments against joint debtors when all defendants were not summoned.

Became a law, March 23, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-four hundred and sixty-one of the code of civil procedure is hereby amended so as to read as follows:

§ 2461. Where the execution was issued as prescribed in section nineteen hundred and thirty-four or section nineteen hundred and forty-one of this act, a debt due to, or other personal property owned by, one or more of the defendants not summoned, jointly with the defendants summoned, or with any of them, may be reached by a special proceeding, instituted as prescribed in this article, and founded upon the judgment.

§ 2. This act shall take effect on the first day of September nineteen hundred.

Chap. 218.

AN ACT to provide for improving the facilities for commerce and the convenience of the public, by excavating and deepening the harbor and channel, and the entrance thereto, at the foot of Canandaigua lake in the county of Ontario, and to repair pier and breakwater, and to make an appropriation therefor.

Became a law, March 23, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, payable by the treasurer on the warrant of the comptroller, to the order of the superintendent of public works, for the purpose of deepening and

dredging the present harbor and entrance thereto at the foot of Canandaigua lake in the county of Ontario, and removing bars at the entrance to said harbor and repairing the pier and break-water heretofore erected. Such sum shall be expended under the direction of the superintendent of public works. This appropriation shall be expended only upon plans and specifications which shall be prepared by the state engineer and surveyor, and upon a contract entered into with the lowest responsible bidder after suitable advertisement under the direction of such superintendent which shall satisfy him that the work herein provided for can, and will be completed within the limits of this appropriation, provided, however, that the superintendent of public works may expend from such appropriation the necessary expenses for proper inspectorship of the work and engineering services in connection therewith.

Plans and
contract.

Expenses of
inspector-
ship.

§ 2. This act shall take effect immediately.

Chap. 219.

AN ACT directing the adjutant-general to deliver the battle flag of the One Hundred and Thirty-seventh Regiment of New York State Volunteers, which was presented to said regiment by the ladies of Binghamton, to the Veteran Volunteer Association of such regiment.

Became a law, March 23, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The adjutant-general is hereby directed to deliver to the One Hundred and Thirty-seventh Regiment Veteran Volunteer Association, the battle flag now in his custody, which belongs to the One Hundred and Thirty-seventh Regiment of New York State Volunteers, the same not being a state flag but being a flag which was presented to said regiment by the ladies of Binghamton in eighteen hundred and sixty-two. The same shall be so delivered upon the written request of the president of such association, and upon his filing with the adjutant-general a receipt therefor in writing in such form as shall be prescribed by the adjutant-general. Such flag shall be deposited by the

Delivery of
battle flag
to associa-
tion.

Chap. 217.

AN ACT to amend section twenty-four hundred and sixty-one of the code of civil procedure, relating to supplementary proceedings upon judgments against joint debtors when all defendants were not summoned.

Became a law, March 23, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-four hundred and sixty-one of the code of civil procedure is hereby amended so as to read as follows:

§ 2461. Where the execution was issued as prescribed in section nineteen hundred and thirty-four or section nineteen hundred and forty-one of this act, a debt due to, or other personal property owned by, one or more of the defendants not summoned, jointly with the defendants summoned, or with any of them, may be reached by a special proceeding, instituted as prescribed in this article, and founded upon the judgment.

§ 2. This act shall take effect on the first day of September nineteen hundred.

Chap. 218.

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Became a law, March 23, 1900, with the approval of the Governor. Passed, three-fifths being present.

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Section 1. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, payable by the treasurer on the warrant of the comptroller, to the order of the superintendent of public works, for the purpose of deepening and

dredging the present harbor and entrance thereto at the foot of Canandaigua lake in the county of Ontario, and removing bars at the entrance to said harbor and repairing the pier and break-water heretofore erected. Such sum shall be expended under the direction of the superintendent of public works. This appropriation shall be expended only upon plans and specifications which shall be prepared by the state engineer and surveyor, and upon a contract entered into with the lowest responsible bidder after suitable advertisement under the direction of such superintendent which shall satisfy him that the work herein provided for can, and will be completed within the limits of this appropriation, provided, however, that the superintendent of public works may expend from such appropriation the necessary expenses for proper inspectorship of the work and engineering services in connection therewith.

Plans and
contract.

Expenses of
inspector-
ship.

§ 2. This act shall take effect immediately.

Chap. 219.

AN ACT directing the adjutant-general to deliver the battle flag of the One Hundred and Thirty-seventh Regiment of New York State Volunteers, which was presented to said regiment by the ladies of Binghamton, to the Veteran Volunteer Association of such regiment.

Became a law, March 23, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The adjutant-general is hereby directed to deliver to the One Hundred and Thirty-seventh Regiment Veteran Volunteer Association, the battle flag now in his custody, which belongs to the One Hundred and Thirty-seventh Regiment of New York State Volunteers, the same not being a state flag but being a flag which was presented to said regiment by the ladies of Binghamton in eighteen hundred and sixty-two. The same shall be so delivered upon the written request of the president of such association, and upon his filing with the adjutant-general a receipt therefor in writing in such form as shall be prescribed by the adjutant-general. Such flag shall be deposited by the

Delivery of
battle flag
to associa-
tion.

Annual
statement
to adjutant-
general.

Reclama-
tion of flag.

president of such association in the rooms of the Joseph J. Bartlett Post, number six hundred and sixty-eight, Grand Army of the Republic, in the city of Binghamton, and shall there be securely kept in a suitable case, and preserved and protected against damage, loss or destruction, under the supervision of the president of said association. In the month of January in each and every year after the delivery of such flag as aforesaid, the president of said One Hundred and Thirty-seventh Regiment Veteran Volunteer Association shall file with the adjutant-general a statement in writing under oath setting forth that said flag is being cared for and preserved under his supervision as provided by this act, and stating in detail all such facts relating thereto as may be required by the adjutant-general to determine that such flag is being so duly cared for and preserved. Upon the failure of the president of said association to file such statement in the time prescribed in any year, or whenever the membership of such One Hundred and Thirty-seventh Regiment Veteran Volunteer Association, or of said Grand Army of the Republic post, shall have become so reduced in number that the adjutant-general shall have reason to believe that such flag is not likely to receive proper care and protection, the adjutant-general must reclaim such flag and thereafter assume the custody and control thereof.

§ 2. This act shall take effect immediately.

Chap. 220.

AN ACT to amend chapter two hundred and ninety-four of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the fire department of the city of Binghamton," and the several acts amendatory thereof, relative to the disposition of the relief fund of said department.

Accepted by the city.

Became a law, March 23, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section two of chapter two hundred and ninety-four of the laws of eighteen hundred and sixty-nine, entitled "An act

to incorporate the fire department of the city of Binghamton," as amended by chapter one hundred and ninety-eight of the laws of eighteen hundred and seventy-nine, chapter fifteen of the laws of eighteen hundred and eighty-four, chapter sixteen of the laws of eighteen hundred and eighty-eight, and chapter six hundred and fifty-nine of the laws of eighteen hundred and ninety-eight, and by chapter two hundred and fifty of the laws of eighteen hundred and ninety-nine, is hereby amended so as to read as follows:

§ 2. The general business and objects of said corporation shall be to accumulate a fund for the relief of members of said fire department, disabled while actually doing duty as firemen, and of such persons as shall have become entitled to and have received their certificates of exemption as firemen, and of the families of deceased members of said fire department and deceased exempt firemen, which fund shall be appropriated and used in no other manner, except that said corporation may purchase a firemen's burial lot in Spring Forest cemetery in said city, and erect thereon a suitable monument in memory of deceased firemen, and erect or cause to be erected a suitable coping or inclosure around said lot, and expend such sum annually as may be necessary to take suitable care of said lot, monument and inclosure; and may also endow a bed in the city hospital for the benefit of firemen who may be disabled while doing duty as firemen, or of deserving members who may be in need of hospital treatment; and may also employ and pay a physician for any of the aforesaid persons; and may also pay the expense of bonding its treasurer and clerk in some surety company; and may also appropriate and use a sum not exceeding two hundred dollars in each year for the purpose of paying or contributing toward the payment of the usual and ordinary expenses of the annual parade of said fire department.

§ 2. This act shall take effect immediately.

Objects of
corporation.

Chap. 221.

AN ACT to amend chapter two hundred of the laws of eighteen hundred and seventy-three, entitled "An act to amend the charter of the village of Addison, in the county of Steuben."

Became a law, March 23, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of title five of chapter two hundred of the laws of eighteen hundred and seventy-three, entitled "An act to amend the charter of the village of Addison in the county of Steuben," is hereby amended by adding at the end thereof a new subdivision, numbered forty-two, to read as follows:

42. The board of trustees of the village, shall have the power and are hereby authorized to grant franchises to any person or persons, corporation or corporations; to erect and maintain in the streets, highways and other places in said village, poles, wires and fixtures for electric lighting purposes; to lay and maintain gas pipes and fixtures for natural or artificial gas in the said streets, highways and other places in said village; to contract for the lighting of the streets and public buildings in said village with electricity, gas or other light; to regulate the use of said streets, so that the same shall not be unnecessarily obstructed by poles or pipes, and the sale and distribution of light to private consumers; also to regulate the erection and maintenance of telegraph and telephone poles in said streets, highways and other places in said village.

§ 2. This act shall take effect immediately.

Chap. 222.

AN ACT to amend section four hundred and nine of the penal code, relative to dangerous weapons.

Became a law, March 23, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four hundred and nine of the penal code is hereby amended so as to read as follows:

Village
charter
amended.

Franchises
and con-
tract for
electric
lighting,
etc.

Use of
streets and
sale of
light.

§ 409. Making, et cetera, dangerous weapons.—A person who manufactures, or causes to be manufactured, or sells or keeps for sale, or offers, or gives, or disposes of any instrument or weapon of the kind usually known as slungshot, billy, sand-club or metal knuckles, or who, in any city or incorporated village in this state, without the written consent of the police magistrate, sells or gives any pistol, or other firearm, to any person under the age of eighteen years or without a like consent sells or gives away any air-gun, or spring-gun, or other instrument or weapon in which the propelling force is a spring or air to any person under the age of twelve years, or who sells or gives away any instrument or weapon commonly known as a toy pistol, in or upon which any loaded or blank cartridges are used or may be used, to any person under the age of sixteen years, is guilty of a misdemeanor.

• § 2. This act shall take effect September first, nineteen hundred.

Chap. 223.

AN ACT to authorize, and to entitle the purchaser to, the delivery of affidavits in foreclosure of mortgages by advertisement, and the certified copies thereof, which have been or shall be filed and recorded pursuant to the provisions of title nine of chapter seventeen of the code of civil procedure.

Became a law, March 23, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Each county clerk and register in this state, in whose office, affidavits in foreclosure of mortgages by advertisement, or the certified copies thereof, have been or shall be filed and recorded pursuant to the provisions of title nine of chapter seventeen of the code of civil procedure, entitled "Proceedings to foreclose a mortgage by advertisement," is hereby authorized to deliver the same to the purchaser of the mortgaged property on the foreclosure sale, and such purchaser shall be entitled to such delivery.

§ 2. This act shall take effect September first, nineteen hundred.

Chap. 224.

AN ACT making an appropriation for a new bridge across the Seneca river at old turnpike between Montezuma aqueduct and the West Shore railroad, and a new bridge across the Canandaigua river at the same point, both in the town of Tyre, Seneca county, New York.

Became a law, March 23, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The superintendent of public works is hereby authorized and directed to construct a new bridge across the Seneca river at old turnpike between Montezuma aqueduct and the West Shore railroad in the town of Tyre, Seneca county, New York, and a new bridge across the Canandaigua river, at the same point in said town and county. Said bridges shall be constructed on plans and specifications prepared by the state engineer and surveyor.

§ 2. The sum of eight thousand dollars or so much thereof as may be necessary is hereby appropriated for the construction of such bridges and approaches out of any moneys in the treasury not otherwise appropriated, to be paid by the state treasurer on the warrant of the comptroller to the order of the superintendent of public works.

§ 3. No portion of such appropriation shall be available except for necessary surveys, plans, specifications and advertising until a contract for the completion of the work herein authorized within such appropriation shall have been duly made with a responsible bidder, and the performance thereof duly secured by a sufficient bond approved by the comptroller.

§ 4. This act shall take effect immediately.

Construction of bridge.

Appropriation.

Contract for work.

Chap. 225.

AN ACT to amend chapter one hundred and seventy-nine of the laws of eighteen hundred and ninety-eight, entitled, "An act in relation to enrollment for political parties, primary elections, conventions, and political committees," relative to enrollment for primary elections.

Became a law, March 23, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision one of section three of chapter one hundred and seventy-nine of the laws of eighteen hundred and ninety-eight, entitled "An act in relation to enrollment for political parties, primary elections, conventions, and political committees," as amended by chapter four hundred and seventy-three of the laws of eighteen hundred and ninety-nine, is hereby further amended so as to read as follows:

§ 3. Enrollment.—Subdivision 1. The custodian of primary records shall cause to be prepared on or before the fifteenth day of September in each year, original enrollment books to the number of two for each election district. Such enrollment books shall be so arranged that the names of all electors of the election district may be inscribed therein alphabetically. There shall be fourteen columns on each page; the first for the registration number of the electors; the second for the surnames of the electors; the third for the Christian names of the electors; the fourth for their residence addresses; the fifth for the word "yes"; the sixth for the name of the party, if any, with which the elector shall enroll; the seventh for an entry to show a special enrollment; the eighth for the record of transfer or removal from one election district to another; the ninth for the word "voted" in case the elector votes at the first official primary election of the year; the tenth for a record as to challenges in case he is challenged thereat; the eleventh and twelfth columns for similar entries in case he votes at the second official primary election; and the thirteenth and fourteenth columns for similar entries in case there be a third official primary election or unofficial primary elections. Said books shall be delivered by the custodian of primary records to

Primary election law amended.

Enrollment books.

Delivery to inspectors.

the election inspectors of the respective election districts immediately before the first day of registration in each year. The custodian of primary records shall cause at least two voting booths of the same kind and description as voting booths used at general elections, to be erected in each place of registration, before the first day of registration in each year, and such booths shall be and remain in said places of registration during the registration at the four regular meetings for registration during that year; and it shall be the duty of the custodian of primary records to furnish in each so erected the same articles which are required by law to be placed therein, for a general election, which shall remain therein during such registration. He shall also provide in like manner one ballot box in each place of registration of sufficient capacity to hold all the enrollment blanks and envelopes which are to be furnished for such place of registration, and which shall be of the kind prescribed by law to be used at a general election. There shall also be prepared and distributed by the custodian of primary records in the manner and at public expense as provided in the election law for the furnishing of official ballots, such a number of enrollment blanks and envelopes for each election district to the primary elections of which this act is applicable, as will exceed by two hundred the total number of electors registered in such district at the last preceding general election. The enrollment blanks shall be printed on white paper, and on the face thereof shall be printed the following, or the substance thereof, the blanks to be filled in in type so far as possible; Primary enrollment for year.....

City (or village) of.....County of.....;
Assembly district (or ward);.....Election district.
Enrollment number.....

"I, who have placed a mark underneath the party emblem hereunder of my choice, do solemnly declare that I have this day registered as a voter for the next ensuing election, and that I am a qualified voter of the election district in which I have so registered, and that my residence address is as stated by me at the time I so registered; that I am in general sympathy with the principles of the party which I have designated by my mark hereunder; that it is my intention to support generally at the next general election, state or national, the nominees of such party for state or national offices; and that I have not enrolled with or participated in any

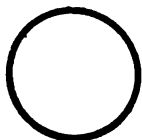
Voting
booths.

Ballot box.

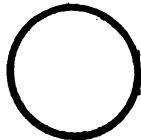
Enrollment
blanks and
envelopes.Form of
blanks.

primary election or convention of any other party since the first day of last year. The word 'party' as used herein means a political organization which at the last preceding election of a governor, polled at least ten thousand votes for governor."

.....Party
(Insert emblem.)



.....Party
(Insert emblem.)



MAKE A CROSS (X) MARK, WITH A PENCIL HAVING BLACK LEAD, IN THE CIRCLE UNDER THE EMBLEM OF THE PARTY WITH WHICH YOU WISH TO ENROLL, FOR THE PURPOSE OF PARTICIPATING IN ITS PRIMARY ELECTIONS DURING THE NEXT YEAR.

The circles underneath the emblems shall be one inch in diameter, and in them nothing shall be printed. The party emblems shall be the same which were on the ballots for each party respectively at the last preceding general election, and such emblems shall be so arranged on each blank that the emblem of the majority party at the last preceding election of a governor shall be first, and the other emblems shall follow in order in accordance with the vote cast for such office at such election; over each emblem shall be printed, in type clearly legible, the name of the party represented by such emblem. The enrollment blanks shall have thereon only the emblems of those parties to which this act is applicable, and shall be distributed enclosed within the enrollment envelopes having corresponding enrollment numbers. The enrollment envelopes shall be of such a size as to permit enclosure therein, without folding, of the enrollment blanks, and of such weight and texture of paper as to make it impossible to read or decipher the printed matter on the blank when the same is sealed on the inside thereof. Nothing shall be printed or written upon the enrollment envelopes, except the following words, or the substance thereof, blanks to be filled in in type as far as possible.

Form of
envelopes.

Primary enrollment for year.....

City (or village) of.....; County of.....;

.....Assembly district (or ward);.....Election district.

Enrollment number

Name of elector.....

§ 2. Subdivision two of section three of said chapter, as amended by chapter four hundred and seventy-three of the laws

of eighteen hundred and ninety-nine, is hereby further amended so as to read as follows:

Enrollment
of elector
on registra-
tion days.

Duties of
inspectors.

Preparation
of blank by
elector.

Delivery to
inspectors.

Subdivision 2. When, in any city or village to which this act is applicable, an elector shall, at any of the four regular meetings for registration in any year, present himself to the board of election inspectors in any election district, his name and residence address shall be entered at the proper place in the two original enrollment books for that district. After he shall have been registered as a qualified elector of that election district for the next ensuing general election, the board of election inspectors, or a member thereof, shall forthwith and before such elector leaves the place of registration, enter his registration number, beginning with number one for the first elector registered on the first day, and so on in numerical order, opposite his name, in the first column of the registration books and the enrollment books, and shall deliver to such elector the enrollment envelope and blank having the number which shall be opposite his name on the registration books. No elector shall be given more than two sets of enrollment blanks and envelopes, or more than one set unless he shall spoil, deface, improperly mark, or otherwise destroy the first set given him. In case a second set is given him, the member of the board of election inspectors in charge of the enrollment books shall draw a line through such elector's enrollment number in the first column in said book, and of the registration books, and shall insert in such space in said columns the number which shall be upon the new set to be given him, which number shall always be the highest number of the enrollment blanks and envelopes then unused in such booth. Such elector desiring to enroll shall then enter a voting booth in said place of registration, and, after having closed the door thereof, may make a cross (X) mark with a pencil having black lead in the circle underneath the emblem of the party of his selection and thereupon enclose said enrollment blank in said envelope and seal the same, and, before leaving the place of registration shall deliver the same to a member of the board of election inspectors who shall endorse thereon the name of such elector and thereupon return said envelope to said elector, who shall forthwith deposit the same in the ballot-box in said place of registration in the presence of the inspectors of election, without in any way indicating the party with which he has or has not enrolled, and the inspectors shall thereupon enter in the enrollment books in the fifth column thereof

the word "yes." If an elector declines to enroll, he may return the blank and envelope to the inspector in charge of the ballot box, and such inspector shall seal said envelope with the blank therein, endorse the name of such elector thereon and deposit the same in the ballot box; and a like entry shall be made opposite his name in the fifth column of the enrollment books. The entries in the enrollment books required by this section shall be made by a member of the board designated by the chairman. One mark crossing another mark at any angle within the circle shall be deemed a cross mark within the meaning of this act. Before any elector shall be registered in any year, the said ballot box shall be examined by the board of election inspectors and when empty shall be locked and sealed by them in such a manner that should it be opened such seal would be broken; and the same shall remain so locked and sealed until the same shall be opened by the custodian of primary records after the next ensuing general election as hereinafter provided. Said ballot boxes shall be in the charge and keeping of the custodian of primary records at all times except during the hours of registration as prescribed by law. At the close of the last meeting for registration in each year the board of election inspectors shall severally subscribe and verify duplicate declarations, one of which shall be printed in or attached to each of the original enrollment books. Such declarations shall be to the effect that the persons shown by such enrollment books are the only persons who registered as electors in that district on any of said days of registration. Immediately upon the close of each day of registration, and before leaving the meeting place, the board of election inspectors shall publicly inclose the said enrollment books, together with all records pertaining thereto, in a sealed envelope, upon which shall be written or printed in distinct characters the number of the election district. Such envelope shall remain in the custody of the chairman of the board until the meeting on the next day of registration, when it shall be publicly opened. The envelope sealed at the close of the last day of registration shall, within twenty-four hours thereafter be delivered to the custodian of primary records. Such envelope shall remain sealed until the next Tuesday following the next ensuing day of general election. No member of the board of election inspectors shall make, or allow to be made, a copy of, or a transcript or statement from, the enroll-

Declara-
tion of
elector to
enroll.

Cross mark
defined.

Examina-
tion of
ballot box,
etc.

Declara-
tion of
inspectors.

Custody of
books.

Delivery to
custodian
of primary
records.

Copies not
to be made.

Name, etc.,
not to be
revealed,
etc.

ment books. No person shall, on any of such days of registration or in the interval between any such day and the next ensuing day of general election, reveal or disclose the names or number of the enrolled electors, or make, publish or circulate a list of such names, or of any thereof, or do or permit any act by which the name of any elector who may or may not have enrolled, or the number of electors enrolled or not enrolled, shall be disclosed.

§ 3. This act shall take effect immediately.

Chap. 226.

AN ACT authorizing the acquisition by the United States of land in Rockland county, in the state of New York, and ceding jurisdiction over the same.

Became a law, March 24, 1900, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Consent of
state to
acquisition
of land.

Section 1. The consent of the state of New York is hereby given to the acquisition by the United States, of the following described land and premises, for a naval magazine, or other naval uses: All that certain piece or parcel of land situate, lying and being in the county of Rockland, state of New York, and on the west bank of the Hudson river about one and one-quarter miles north of Dundeburg mountain, comprising all that part of Iona island lying east of the lands owned by the West Shore Railroad Company, containing one hundred and sixteen acres, more or less.

Jurisdic-
tion, when
ceded.

§ 2. Whenever title to said property shall have been acquired by the United States, and a certified copy of the record or transfer thereof shall have been filed and recorded in the office of the secretary of this state, together with a map and description of such land by metes and bounds, exclusive jurisdiction is thereupon ceded to the United States, subject to the restrictions hereinafter mentioned, over the land and premises so described and acquired, and also over the water adjacent thereto and in front thereof to the center of the Hudson river, together with all water rights, bulkheads, docks and wharves, and all other rights and privileges appertaining to the said land and premises.

§ 3. The jurisdiction hereby ceded shall continue no longer than the United States shall own such land and premises; and such consent is given and jurisdiction ceded on the express condition that the state of New York shall retain concurrent jurisdiction with the United States, in and over such lands and water, so far as may be necessary or proper, for the purpose of executing thereon any process, civil or criminal, issued under the authority of this state, except as such process might affect the property of the United States.

Concurrent
jurisdiction
with United
States.

§ 4. This act shall take effect immediately.

Chap. 227.

AN ACT to establish of record the release of rents reserved by leases in fee.

Became a law, March 28, 1900, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Any person interested in lands held under a lease in perpetuity, upon which no rent has been paid for at least twenty years, may present his petition to the courts mentioned in this act asking that it be declared that the rents and reversion have been released to the owner of the fee. Such petition shall be verified, shall describe the lease and allege that the rents and reversion have been released, and shall state such facts as the petitioner can ascertain relative to the execution of a release and the identity of the persons who would otherwise be the present owners of the rents and reversion and the last known owner thereof.

Petition to
court.

§ 2. Such petition may be presented to the supreme court or to the county court of the county where the lands are situated. The court may thereupon order all persons interested to show cause at a certain time and place why the rents and reversion should not be declared to have been released. A description of the lease and lands affected thereby and the name of the last known owner of the rents and reversion shall be specified in such order and the order shall be published in such newspaper or newspapers and for such time as the court shall direct. The

Order to
show cause.

Publication
of descrip-
tion.

Service of
order.

court may also direct the order to be personally served upon such persons as it shall designate.

Powers of court.

§ 3. The court may issue commissions to take the testimony of witnesses and may refer it to a referee to take and report proofs of the facts stated in the petition. Upon being satisfied that the matters alleged in the petition are true, the court may make an order declaring that the rents and reversion have been released to the owner of the fee. The non-payment of rent under any such lease for twenty years shall be presumptive evidence of such a release. The entry of such order in the office of the clerk of the county where such lands are situated shall have the same effect as a release of such rents and reversion to such owner then duly executed and recorded. The county clerk shall note on the margin of the record of the original lease a minute of the entry of such order.

Entry of order.

§ 2. This act shall take effect immediately.

Chap. 228.

AN ACT making an appropriation for the Thomas Asylum for Orphan and Destitute Indian Children.

Became a law, March 28, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation for improvements.

Section 1. The following sums are hereby appropriated to the uses and purposes of the Thomas Asylum for Orphan and Destitute Indian Children, from any moneys in the treasury, not otherwise appropriated. For the erection of two brick dormitory buildings for girls having capacity for forty inmates each, and for a brick school building, twelve thousand dollars, in addition to the sum of thirty-two thousand dollars appropriated for such purposes by chapter four hundred and thirty-eight of the laws of eighteen hundred and ninety-nine, which sum is hereby re-appropriated; grading grounds, one thousand dollars; fencing, six hundred dollars; for moving and repairing horse barn, six hundred dollars. The board of managers shall superintend the erection of the buildings hereby authorized and the expenditure of the sums hereby appropriated, but the location of such buildings, and the

plans, specifications and contracts therefor, and all expenditures under this act, must be approved by the state board of charities, and payments shall be made on the certificate of such board.

§ 2. No part of any item of said appropriation shall be available for any construction or building, except for plans, specifications and advertising; unless a contract therefor according to plans and specifications shall have been first made for the completion thereof within the appropriation therefor, and the performance thereof secured by a satisfactory bond approved by the comptroller.

Contracts
for work,
etc.

§ 3. This act shall take effect immediately.

Chap. 229.

AN ACT to incorporate the Youngs Memorial Cemetery.

Became a law, March 28, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Thomas Youngs, William J. Youngs, Edward M. Townsend, Edgar G. Youngs, Samuel Youngs, George R. Vandewater, George A. Meyer, David Nash, Graham Youngs, William T. McCoun, Sidney McCoun, Samuel V. W. Fleet, John Mason, James Kent Mason, William J. Underhill, Joseph William Underhill, Seabury S. Jones, John J. Jones, Daniel Underhill, Samuel Y. Bayles, Charles H. Baylis, Frederick Kane, Amos M. Knapp, Thomas Baker, Frederick Baker, Priscilla Brower, James H. Ludlam, Frederick Ludlam, all of the state of New York, and their successors, are hereby constituted a private cemetery corporation, under and by the name of The Youngs Memorial Cemetery. Except as provided in this act, such corporation, its officers and members shall possess all the powers conferred and liabilities imposed by the general corporation law, and articles one and three of the membership corporation law on private cemetery corporations.

Corpora-
tors.

Corporate
name and
powers.

§ 2. The said corporation shall use for cemetery purposes, the lands now used as a burial place, situate in Oyster Bay Cove, in the county of Nassau, bounded on the east by the highway leading from Oyster Bay Cove to Cold Spring, and on the north, west and

Cemetery
lands.

south by the lands of William J. Youngs, Thomas Youngs and Susan M. Youngs.

Directors.

§ 3. Within sixty days after this act takes effect, the members of such corporation shall select five of their number to be directors, to hold office for five years. A vacancy occurring in such board of directors shall be filled by the other directors for the unexpired term. Upon the expiration of the term of office of such directors, the members of such corporation shall choose their successors to hold office for five years.

Transfer of
lots and
acquisition
of lands.

§ 4. The lot owners of such cemetery when the same shall have been incorporated may transfer such lots by deed or devise to the cemetery corporation hereby created, whether burials have been made in such lots or otherwise, and such corporation may take and hold such lots subject to the terms and conditions by which the same were conveyed and devised. Such corporation may also acquire by deed or devise land adjoining the lots in any such incorporated cemetery not exceeding one acre in extent. Such cemetery corporation may also transfer single plots in said cemetery of such size as may be desired, with the approval of the board of directors to any person applying therefor.

§ 5. This act shall take effect immediately.

Chap. 230.

AN ACT to amend chapter thirty-six of the laws of eighteen hundred and ninety-nine, entitled "An act in relation to the Pan-American Exposition to be held upon the Niagara frontier within the state of New York, and to provide for an exhibit by the state, and making an appropriation therefor," and to provide for the location, construction and disposition of the state building to be erected for use at such exposition.

Accepted by the city.

Became a law, March 26, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amended.

Section 1. Section eight of chapter thirty-six of the laws of eighteen hundred and ninety-nine is hereby amended to read as follows:

§ 8. The expense to be incurred by such board of managers for the erection of the building provided for in section two of this act, including the furnishing, heating, lighting, plumbing, and complete equipment thereof, and the inspection and fees of architects therefor, shall not exceed the sum of one hundred thousand dollars and no greater amount of the appropriation made hereby shall be available therefor. Provided however that the expenditure of such sum of one hundred thousand dollars hereby authorized shall not so deplete the whole appropriation of three hundred thousand dollars, as in any manner to prevent the board of managers of the exhibit of the state of New York at said exposition from fully carrying out their plans for the exhibit of the state of New York within such appropriation of three hundred thousand dollars, and no more. The construction of such building shall not be commenced until the first sum of one hundred and fifty thousand dollars of said appropriation of three hundred thousand dollars shall have become available, nor until plans and specifications have been adopted by the board, and a contract with sufficient sureties has been made for the completion and complete equipment thereof, for a sum not exceeding such one hundred thousand dollars together with the fifty thousand dollars hereafter authorized to be contributed thereto by the Buffalo Historical Society, and the city of Buffalo.

Expense
of erection
of building
limited.

Commencement
of construction.

§ 2. The Buffalo Historical Society is hereby authorized and empowered to appropriate from the principal of its trust funds the sum of twenty-five thousand dollars towards the cost of construction and equipment of such state building so to be erected, and the city of Buffalo is hereby authorized and empowered to appropriate the sum of twenty-five thousand dollars from the proceeds of certain bonds authorized to be issued by chapter sixty-five of the laws of eighteen hundred and ninety-eight towards the cost of construction and equipment of the said state building.

Appropriations
by
society
and city
towards
building.

§ 3. Provided said Buffalo Historical Society and the said city of Buffalo each contribute said sums for such purpose on or before May first nineteen hundred, to be evidenced by the certificate of the state comptroller that the same have been paid to the comptroller of the state of New York, subject to the provisions of this act, the board of general managers of the exhibit

Erection
of state
building

of the state of New York at such exposition, is hereby authorized and empowered to expend the said sums so contributed, together with one hundred thousand dollars hereinbefore appropriated, amounting in the aggregate to one hundred and fifty thousand dollars, for the construction and erection of said state building, which may be located subject to the approval of the board of park commissioners of the city of Buffalo and the board of managers of said Buffalo Historical Society upon park lands in said city of Buffalo, included within the lands set apart for such exposition. And the said building shall be, as far as possible, fire proof and permanent, and such aggregate sum of money shall be paid by the state treasurer upon the warrant of the state comptroller upon verified vouchers to be approved by the president and secretary of such board of general managers of the exhibit of the state of New York at such exposition, after due audit by the state comptroller. If the two several sums herein provided to be contributed by the city of Buffalo and the Buffalo Historical Society respectively shall not be so contributed then the appropriation of one hundred thousand dollars herein made shall lapse, and the state building herein provided for for the state exhibit at such exposition shall be constructed under the terms of chapter thirty-six of the laws of eighteen hundred and ninety-nine as originally enacted, and within the appropriation of fifty thousand dollars thereby made.

Payment,
how made.

Appropriation by
state may
lapse.

Release of
state's title
to society.

§ 4. Provided the said two several sums herein provided to be contributed by the city of Buffalo and the Buffalo Historical Society respectively shall have been contributed as herein provided, then at the close of such exposition the said board of general managers of the exhibit of the state of New York at such exposition is hereby authorized and empowered to grant, release and convey all the right, title and interest of the people of the state of New York in and to such building and its equipment to the Buffalo Historical Society, and the same shall thereafter be used and maintained as provided by chapter three hundred and ten of the laws of eighteen hundred ninety-seven.

Contract
for construction
and equipment.

§ 5. No part of said appropriation for the construction of said state building shall be available in any event until contracts for the erection thereof, including the furnishing, heating, lighting, plumbing and complete equipment thereof as provided in said section eight shall have been made with responsible parties,

who shall have furnished and filed with the state comptroller a sufficient bond with at least two sufficient sureties for the completion of said work within the said sum of one hundred and fifty thousand dollars.

§ 6. This act shall take effect immediately.

Chap. 231.

AN ACT to authorize the construction of a dyke along a portion of the south bank of the Chemung river, in the city of Elmira, and making an appropriation therefor.

Became a law, March 27, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The superintendent of public works is hereby authorized to construct a dyke along the south bank of the Chemung river extending easterly from the bridge known as the Main street bridge to the bridge known as the Madison avenue bridge, in the city of Elmira, so as to discontinue and prevent the overflow of adjoining lands.

Construction of dyke.

§ 2. The work herein authorized shall be done in accordance with plans, specifications and estimates furnished by the state engineer and surveyor.

Plans, etc.

§ 3. No work shall be performed or money expended for the purpose specified in this act until the owners of the lands adjoining the said portion of the south bank of said river, shall have filed with the superintendent of public works, an instrument in writing granting to the state the right to build, construct and forever maintain the dyke as aforesaid as the same may be located by the state engineer and surveyor.

Work not to be performed or money expended unless, etc.

§ 4. The sum of ten thousand dollars, or so much thereof as may be necessary is hereby appropriated out of any moneys in the treasury, not otherwise appropriated for the purposes named in this act, to be paid by the treasurer upon warrant of the comptroller to the order of the superintendent of public works.

Appropriation.

§ 5. This act shall take effect immediately.

Chap. 232.

AN ACT to extend the time for the collection of taxes in the town of Babylon in Suffolk county.

Became a law, March 28, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Time for
collection
of taxes
extended.

Section 1. The time for the collection of taxes now levied and uncollected in the town of Babylon, Suffolk county, is hereby extended to the first day of June next; provided that the collector shall pay over all moneys already collected by him, and renew his bond with sureties to the satisfaction of the supervisor of said town, and in such case the warrant shall continue in full force and effect until said first day of June, but nothing herein authorized shall be construed as extending the time for payment of the state tax, or any part thereof by the county treasurer of said county to the comptroller as now required by law.

Proviso as
to payment
of state
tax.

§ 2. This act shall take effect immediately.

Chap. 233.

AN ACT to authorize the city of New York to accept and receive the real and personal property, or any part thereof, of the Brooklyn Homoeopathic Hospital of the city of Brooklyn as heretofore existing, now the borough of Brooklyn, city of New York.

Accepted by the city.

Became a law, March 28, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Acceptance
of property.

Section 1. The board of estimate and apportionment of the city of New York is hereby authorized and empowered in its discretion to accept and receive for and on behalf of the city of New York from the Brooklyn Homoeopathic Hospital, a charitable corporation of the borough of Brooklyn, city of New York,

its officers or trustees, all or any part of the real and personal property of said corporation.

§ 2. Upon the transfer to and acceptance by said city of said property, said city is hereby authorized to assume or pay all the debts and liabilities of the said hospital corporation, then existing, including the mortgage upon its real property, and the said hospital, its property, and its schools and departments and dispensary, may be in the discretion of the city authorities maintained as a homoeopathic institution, under the jurisdiction of the commissioner of public charities of the city of New York, for the borough of Brooklyn and Queens. The board of estimate and apportionment of the city of New York is hereby authorized to provide for the payment of said debts and liabilities and for the maintenance of said hospital, and its schools, departments and dispensary, during the current year, by the issue of revenue bonds, and the comptroller of said city is hereby authorized to issue the same and so apply the proceeds thereof, and the amount necessary for the redemption of such bonds shall be included in the estimate or budget for the year succeeding the year of their issue.

Payment of
debts and
liabilities.

Issue of
revenue
bonds.

§ 3. This act shall take effect immediately.

Chap. 234.

AN ACT to authorize town boards of a county adjoining a city of the first class to lease buildings or parts of buildings for use of the justices of the peace for holding court therein.

Became a law, March 29, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The town boards of any town in a county adjoining a city of the first class may from time to time lease buildings or parts of buildings in any portion of said town for the use of justices of the peace of said town to hold court therein.

Lease of
buildings.

§ 2. That there shall not be leased for the purposes set forth in section one of this act more than one building for each justice of the peace in said town.

Limitation

Repeal.

§ 3. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 235.

AN ACT to amend the forest fish and game law, in relation to the transportation of game without the state.

Became a law, March 29, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Game law amended.

Section 1. Chapter twenty of the laws of nineteen hundred, known as the forest, fish and game law, is hereby amended by adding, in its proper place, section thirty-eight, to read as follows:

Transportation of game without the state.

§ 38. Birds or game, except fish taken in this state, shall not be transported without the state; nor shall the same be taken or possessed with intent to transport the same without the state. Any person doing any act with reference to such birds or game in aid of such taking or transportation with knowledge of the intention to so transport the same shall be deemed to have violated this section.

§ 2. This act shall take effect immediately.

Chap. 236.

AN ACT to authorize the board of street commissioners of the city of Binghamton, New York, to audit and pay the claim of Cicero H. Montrose, for salary as superintendent of streets of said city.

Accepted by the city.

Became a law, March 29, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Audit and payment of claims.

Section 1. The board of street commissioners of the city of Binghamton, New York, is hereby authorized and empowered to audit

and pay in the same manner as other claims are audited and paid by said board, the claim of Cicero H. Montrose, not exceeding one hundred and thirty-four dollars and seventy-two cents, for salary as superintendent of streets, from February twenty-first eighteen hundred and ninety-nine, the date of his appointment by said board to said position, to April eleventh eighteen hundred and ninety-nine, the date of his resignation, made immediately after the decision of the special term of the supreme court, that such position was subject to the civil service regulations of said city.

§ 2. This act shall take effect immediately.

Chap. 237.

AN ACT to authorize the city of Binghamton, New York, to audit and pay the claim of Irving F. Foster, for clerical services rendered to the assessors of said city.

Accepted by the city.

Became a law, March 29, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The common council of the city of Binghamton, New York, as the auditing board of said city, is hereby authorized and empowered to audit and pay in the same manner as other contingent expenses of said city are audited and paid, the claim of Irving F. Foster, not exceeding the sum of one hundred and twenty-five dollars, for clerical services rendered to said assessors in making up the assessment roll of said city for the year eighteen hundred and ninety-nine, notwithstanding that the said Foster was employed by said assessors and rendered said services without the authority of said common council, an appropriation for the work, or a compliance with the civil service regulations of said city.

Audit and
payment
of claim

§ 2. This act shall take effect immediately.

Chap. 238.

AN ACT to authorize the city of Ogdensburg to borrow money upon bonds to be issued by the common council of said city for the purpose of increasing the general fund of the board of education of said city.

Accepted by the city.

Became a law, March 29, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Issue of
school
bonds.

Section 1. The common council of the city of Ogdensburg shall have authority, and it shall be its duty, by resolution duly adopted by said council, and approved by the mayor, to cause registered or coupon bonds of said city to be issued in the name and upon the credit of said city, and to be denominated "school bonds," which said bonds shall be signed by the mayor and city clerk, in the sum of fifteen thousand dollars, in denominations from one hundred to one thousand dollars, as shall be most convenient, bearing interest at a rate not to exceed four per centum per annum, payable in twenty equal annual installments from the date thereof, with interest payable semiannually, the said bonds to be made payable at the office of the city treasurer or some bank within the city.

Sale of
bonds.

§ 2. Upon the issue of said bonds, the treasurer of the city of Ogdensburg shall suitably advertise for proposals for the purchase of the same, and he shall sell them to the party or parties offering to pay the highest price therefor, but for not less than their par value. The said treasurer shall keep in his office a record of all bonds sold, by number, date, amount and name of payees, subject, at all reasonable times, to the inspection of the mayor and the common council, or any taxpayer of the school district hereinafter mentioned.

Tax for
interest and
principal.

§ 3. The common council of said city shall, annually, after the issue of said bonds, assess upon all the taxable property in the school district mentioned and described in an act entitled "An act in relation to schools and academies in the village of Ogdensburg," passed April thirteenth, eighteen hundred and fifty-seven, and the acts amendatory thereto, a sufficient amount to pay the

interest annually accruing on said bonds, and to pay each and every year one-twentieth of the principal sum so borrowed upon said bonds, and shall direct its collection with the next city tax in the manner provided by said act passed April thirteenth, eighteen hundred and fifty-seven.

§ 4. The proceeds arising from the sale of such bonds shall be by said treasurer paid over to the credit of the board of education of said city, and shall be placed to the credit of the general fund of said board of education, and the same shall be available and used by said board for any purposes for which the general fund may now be used.

§ 5. This act shall take effect immediately.

Chap. 239.

AN ACT to amend certain sections of chapter eighty-seven of the laws of eighteen hundred and ninety-three, entitled "An act to amend chapter three hundred and thirty-five of the laws of eighteen hundred and sixty-eight, entitled 'An act to incorporate the city of Ogdensburg,' and the acts amending the same."

Accepted by the city.

Became a law, March 29, 1900, with the approval of the Governor. Passed, three-fifths being present:

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty of title four of chapter eighty-seven of the laws of eighteen hundred and ninety-three, entitled "An act to amend chapter three hundred and thirty-five of the laws of eighteen hundred and sixty-eight, entitled 'An act to incorporate the city of Ogdensburg,' and the acts amending the same," is hereby amended so as to read as follows:

City charter amended.

§ 30. The common council may, in its discretion, order any sewer or sewers or parts thereof, to be made in said city in substantial accordance with the plans of George E. Waring, junior, draining engineer, heretofore submitted to the common council of the city of Ogdensburg, and approved by it. And may also order any lateral connection with any sewer, water and gas mains in said city, in its judgment necessary to the pres-

Construction of sewers and lateral connections.

apportion-
ment and
assessment
of expense.

Enlarge-
ment and
repair of
sewers.

Survey
and maps.

Purchase
of land.

ent or future accommodation of any adjoining premises, to be placed in any of the streets of said city, and carried beyond the curbing of any sidewalks thereof. The common council may determine what share or proportion, if any, of the expense of any such sewer or sewers or connections shall be paid by the city, and shall apportion and assess the expense of such sewer or sewers or connections, or the residue of such expense, if any part be paid by the city, upon the owner or owners of and others owning interests in buildings, tenements, lots of real estate which the common council shall deem benefited by said sewer or sewers or connections in proportion, as near as may be, to the benefit and advantage which each, in the judgment of said common council shall acquire thereby. And such assessment shall be binding upon the owner or owners or others interested, and shall be a lien upon such buildings, tenements, lots or real estate respectively. The common council may also, in its discretion, order any sewer or sewers or drains to be made or hereafter constructed in any part of the city, or now existing therein, to be deepened, relaid, repaired or enlarged in such manner as it may determine, and determine what part of the expense thereof, if any, shall be paid by the city, and shall apportion and assess the expense of such deepening, relaying, repairing and enlarging, or the residue of such expense, if any part be paid by the city, upon the owner or owners of and others owning interests in the buildings, tenements, lots and real estate which the said common council shall deem benefited by said deepening, relaying, repairing or enlarging in proportion as near as may be to the benefits and advantage which each, in the judgment of the common council, shall acquire thereby, and such assessment shall be binding upon the owner or owners or others interested, and shall be a lien upon such buildings, tenements, lots or real estate respectively. Whenever in the judgment of the common council it shall become necessary to take private property for the purpose of making, relaying, repairing, enlarging or extending any sewer thereon, the common council shall cause a survey and map of said property to be made, which map shall indicate as near as may be the different lots of land affected, the owners thereof, so far as they can ascertain the same, and the quantity of land required from each, and they shall file such survey and map in the clerk's office of said city. The common council may purchase the land so deemed necessary by them,

of the owner or owners upon such terms and for such compensation as they shall agree upon, and thereupon receive a conveyance thereof to the city. If they do not ascertain who are the owners of such lands, or any of them, or do not agree on the terms of such purchase, they may acquire such title in the name of and for the city in the manner provided for by title one, of chapter twenty-three, of the code of civil procedure, known as the condemnation act. The cost of such land and the expense of obtaining the same shall be deemed a part of the expenses of such sewer, and shall be paid by said city or included in the assessment therefor upon the property deemed to be benefited thereby. For all such liens and charges in this section mentioned, the common council shall issue its warrant and cause the same to be collected with interest from the date of the assessment, in the same manner as other city taxes and assessments are collected, including the proceedings for the sale of real estate for the non-payment of any tax or assessment thereon. Any person in possession of real estate under contract for the purchase thereof, may, in the discretion of the common council, be deemed the owner thereof for all the purposes of this act. Upon the completion of any assessment on account of any work done or expense incurred under this section, the common council shall give notice by publication, at least once a week for two weeks in two newspapers, democratic and republican, published in said city, of the time, not less than fifteen days from the date of the first publication, and place where it will hear all persons interested in said assessment, either as to want of benefit or as to amount of assessment imposed thereby, and the warrant for the collection of such assessment shall not be issued until after such hearing. It shall be lawful for the common council to levy a tax to defray any expense which they may have determined shall be paid by the city under the provisions of this section, upon the taxable property in the city, in addition to the amount raised for the general fund, and for other purposes, and include the same in the annual tax roll of said city. Whenever any warrant for the collection of any assessment made under the provisions of this section shall be returned to the city clerk unpaid in whole or in part, it shall be the duty of said clerk forthwith to make a statement of the unpaid assessment thereon, giving in detail, as far as possible, the names of the owners of the

Proceedings for acquiring title.

Collection of assessments.

Notice of assessments.

Tax for expense.

Statement of unpaid assessments.

land on which the assessment is imposed, a description of said land, the amount of the assessment, the purpose for which it was made and the date from which it bears interest, and verify the same and file it in the office of the clerk of Saint Lawrence county. The said county clerk shall keep a book, in which he shall record said statements when received by him, without charge to the city, and an index thereto, giving the names of the persons against whom the assessment is made. A certificate, signed by the treasurer of the city, of the payment of any such assessment, or the sale of the property on which it is made, shall be sufficient when filed with the county clerk to cancel such record.

Record
of same.

§ 2. Section eighty-nine of chapter eighty-seven of the laws of eighteen hundred and ninety-three, entitled "An act to amend chapter three hundred and thirty-five of the laws of eighteen hundred and sixty-eight, entitled 'An act to incorporate the city of Ogdensburg' and the acts amending the same," is hereby amended so as to read as follows:

§ 89. Such commissioners may and shall have exclusive power and authority to:

Construction,
etc., of
sidewalks.

1. Construct or improve any sidewalk in such city by causing the same to be raised, leveled, graded, curved, flagged, laid, covered, planked or repaired in such manner and with such materials as they may deem proper. Whenever such commissioners shall conclude that any sidewalk in said city should be so constructed or improved, they shall cause a notice of at least ten days, to be personally served upon the owner or known agent of any non-resident owner of the premises along or adjoining which such sidewalk is to be constructed or improved, specifying the time when and place where such owner or other person in his behalf, may appear before said commissioners, and offer any statement or testimony for or against such construction or improvement. If after such hearing the said commissioners shall decide by an affirmative vote of three of its members that such construction or improvement is necessary, then the board shall cause a notice to be personally served upon such owner or known agent of a non-resident owner, stating that the said commissioners have so decided, and specifying the manner in which and the material with which such sidewalk shall be raised, leveled, graded, curved, flagged, laid, covered, planked or repaired. In the event that the owner of such premises shall

Notice to
owners.

fail or neglect for twenty days after the service of such notice, to construct or improve any such sidewalk as prescribed in said notice, then such commissioners may cause such construction or improvement to be made and the total cost and expenses of making such construction or improvement shall be a lien upon the premises along or adjoining which the same is made. The amount of such cost and expenses shall be immediately certified by the commissioners to the common council of said city, and the said common council shall issue its warrant, and cause the same to be collected with interest, from the date of the assessment, in the same manner as other city taxes and assessments are collected, including the proceedings for the sale of real estate for the non-payment of any tax or assessment thereon. Any person in the possession of real estate under contract, for the purchase thereof may be deemed the owner thereof for all the purposes of this act. Any notice required by this section may be served by publishing the same once in each week for two successive weeks in two newspapers published in said city and such publication shall be equivalent to personal service of such notice. Neither the city of Ogdensburg nor any of the commissioners of public works shall be held liable to any person or corporation for any injury to his, her or its person or property, caused in whole or in part by any defect in the plan upon or the manner in which any sidewalk in said city shall be constructed or repaired, or by reason of the same not being in repair, or by slipping upon any snow or ice thereon, but this shall not exempt any owner of such premises upon which such injury may happen from any liability therefor that may otherwise exist against him.

Failure of owner to make improvements.

Service of notice.

City not liable for injuries.

2. Permit the opening of and excavation in any public street or sewer of said city, at such time and in such manner, and under such superintendence thereof, and of the restoration and reparation consequent thereon, as they may prescribe in their order granting such permission. Any expense incurred by said commissioners in any such superintendence, restoration or reparation, shall be a lien until paid or collected upon the premises or lots for the benefit of which any such work was done, to be enforced as unpaid claims for the construction of sidewalks, are directed to be enforced in said city, and shall be a lawful demand against the applicant to whom such permission may

Opening and excavation of streets and sewers.

Collection of expense.

have been given, and may be sued for and recovered by such commissioners, and when collected shall be paid to said city treasurer to the credit of the fund against which such superintendence of work is properly chargeable.

Materials in streets and buildings.

3. Permit the deposit of material in any street, and the use thereof in building, and other lawful purposes, in such time and place, to such extent and under such conditions as to removals, and otherwise, as said commissioners shall prescribe.

Planting, etc., of shade trees.

4. Determine the place for planting, and the relative location of any future shade or ornamental trees in the streets of said city, and the pruning and trimming thereof, and of any such trees now in any of said streets; and to that end shall adopt general rules and regulations with reference thereto, which rules and regulations shall be published once in each week for three successive weeks in two newspapers, one of each political party represented on the board, published in said city. Any owner or occupant of premises in said city, in front of which there shall be any shade or ornamental tree or trees, who shall neglect to comply with such rules and regulations in reference thereto, twenty-four hours after the posting a copy of such rules and regulations in a conspicuous place on said premises, shall be subject to a penalty of five dollars, and to further penalty of five dollars for every twenty-four hours such neglect shall continue thereafter, to be sued for and recovered by said commissioners and paid to the treasurer of said city to the credit of the highway fund.

Penalty for neglect to comply with rules.

Care of streets.

5. Exercise the powers of commissioners of highways in towns so far as such power may aid or facilitate the discharge of the duties and the exercise of their rights by this act, created, and are applicable to the city, and to direct the application of the highway money to the grading, paving, flagging, planking, draining and otherwise improving the highways in such places within the city or leading to it, as they may deem best; and also, to direct the application of a part thereof to the grading of any public grounds, and the planting and securing of trees thereon, and to the construction and repair of sewers and to direct the expenditure of such moneys as may be provided by the city for the improvement and maintenance of the walk and highway from the southerly line of the city to the cemeteries.

Application of highway fund.

§ 3. This act shall take effect immediately.

Chap. 240.

AN ACT to amend the banking law, relative to changing the number of directors.

Became a law, March 29, 1900, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifty of chapter six hundred and eighty-nine of the laws of eighteen hundred and ninety-two, entitled "An act in relation to banking corporations," is hereby amended to read as follows:

§ 50. **Annual meeting and election of directors.**—Every bank shall hold an annual meeting for the election of directors on the second Tuesday in January or within ten days thereafter. Notice of such meeting shall be given as required by the stock corporation law. No person shall be eligible to election as director of a bank having a capital of fifty thousand dollars or over unless he is a stockholder of the corporation owning in his own right an amount equal to at least one thousand dollars in value, nor of a bank having a capital of less than fifty thousand dollars, unless he is a stockholder in his own right to an amount equal to at least five hundred dollars; and every person elected to be a director, who after such election shall cease to be the owner in his own right of the amount of stock aforesaid, shall cease to be a director of the corporation, and his office shall be vacant. The directors shall hold office for one year and until their successors are elected and have qualified. Each director must be a citizen of the United States, and at least three-fourths of the directors must be residents of this state at the time of their election and during their continuance in office. All vacancies in the office of directors shall be filled by election by the stockholders; but vacancies not exceeding one-third of the whole number of the board may be filled by the directors then in office, and the directors so elected may hold their offices until filled by the stockholders at a special or annual meeting. One of the directors to be chosen by the board shall be the president of the board; and if the certificate of incorporation or the by-laws do not prescribe the number of directors necessary to constitute a quorum, and

makes no provision for determining the same, the directors may fix the number necessary to constitute a quorum, for the transaction of business, which shall not be less than five, with the same effect as if such number was prescribed in the certificate of incorporation. Whenever the articles of association of any bank organized prior to the first day of January, eighteen hundred and ninety-two, or the certificate of incorporation of any bank organized after that date, shall prescribe a different qualification for directors than such as are prescribed in this section, the qualification of such directors may be changed so as to comply with the provisions of this section in the manner prescribed for a change of the number of directors under section twenty-one of the stock corporation law.

§ 2. This act shall take effect immediately.

Chap. 241.

AN ACT providing for a record of conveyances of real estate in towns of the county of Erie, New York, for the information of the assessors of said towns.

Became a law, March 29, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. It is hereby made the duty of the county clerk of the county of Erie to prepare, or cause to be prepared, at the expense of said county, a separate book for each town in said county, in such form as the assessment rolls of said towns are now made by the assessors thereof, with such additional blank columns and places for additional entries, as in his judgment may be desirable to promote the purpose of this act. Upon this act taking effect, the county treasurer of said county of Erie shall immediately transfer to the said county clerk of the county of Erie, the books heretofore kept by said county treasurer pursuant to the provisions of chapter six hundred and fifty-nine of the laws of eighteen hundred and ninety-three, and said books shall be the books so to be kept by said county clerk until other books shall be required.

County clerk to prepare books.

Transfer of books to county clerk by county treasurer.

§ 2. When any deed purporting to convey premises situate in one of the towns of the county of Erie shall be presented to the county clerk of the county of Erie for record, he shall examine the same, and if he finds that the lands intended to be conveyed thereby, are so vaguely or improperly described therein that they may not be identified by said description, he may reject the said deed on that account, specifying the particulars in which such description is defective, and said deed shall not be entitled to record in said county clerk's office until such defects are corrected. When a deed is presented to the said county clerk of Erie county, purporting to convey premises situate in one of the towns of the said county of Erie, and the lands intended to be conveyed thereby are so accurately described therein that they may be identified by said description, the said county clerk shall immediately enter the name of the grantee upon the copy of the assessment roll of the town in which such lands are situate, in his office, with the description of said lands in said assessment roll after such name, and the same shall hereafter be recorded by said county clerk.

Examination and rejection of deeds.

Entry upon copy of assessment roll.

§ 3. The board of supervisors of the county of Erie are hereby authorized and empowered to adopt such regulations concerning the record to be kept by the county clerk of the county of Erie under this act, from time to time, as they may deem necessary.

Regulations as to record.

§ 4. The said record of conveyances, to be kept in the county clerk's office of the county of Erie pursuant to the provisions of this act, shall always be open to inspection and examination by the public, and by the assessors of the several towns in said county, and are to be kept for the information of said assessors, and to facilitate their work in making correct and accurate assessments and assessment rolls of the property in their towns.

Inspection of record.

§ 5. The expense of procuring and keeping such books and records shall be a county charge, to be audited by the board of supervisors of the county of Erie, and the county clerk is hereby authorized to employ, subject to confirmation by the board of supervisors, the additional assistants in his office, necessary to properly perform the same.

Expense of books and records.

§ 6. Chapter six hundred and fifty-nine of the laws of eighteen hundred and ninety-three, is hereby repealed.

§ 7. This act shall take effect immediately.

Chap. 242.

AN ACT to release to Arthur Galarneau (sometimes known as Oscar Galarneau) all the right, title and interest of the people of the state of New York in and to certain real estate in the borough of Brooklyn, county of Kings and city and state of New York.

Became a law, March 29, 1900, with the approval of the Governor. Passed, by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Interest
of state
released.

Section 1. All the estate, right, title and interest of the people of the state of New York, acquired by escheat, forfeiture or otherwise of, in and to all that certain lot, piece or parcel of land situate, lying and being in the borough of Brooklyn, Kings county, state of New York, bounded and described as follows, namely: Beginning at a point on the northerly line of Elm street (now known as Hart street) distant one hundred and seventy-five feet westerly from the northwesterly corner of Elm street and Evergreen avenue; and running thence northerly and parallel with Evergreen avenue ninety-five feet; thence westerly and parallel with Elm street twenty-five feet; thence southerly and parallel with Evergreen avenue ninety-five feet to the northerly line of Elm street; thence easterly along the northerly line of Elm street twenty-five feet to the point or place of beginning, is hereby released to and vested in Arthur Galarneau (sometimes known as Oscar Galarneau), his heirs and assigns forever.

Rights,
etc., not
affected.

§ 2. Nothing herein contained shall be construed to impair or affect the rights in said real estate of any heir, devisee, purchaser or creditor by judgment, mortgage or otherwise in and to said premises or any part or parcel thereof.

§ 3. This act shall take effect immediately.

Chap. 243.

AN ACT to amend chapter thirty of the laws of eighteen hundred and eighty-five, relating to the construction of sidewalks in the village of Oneonta.

Became a law, March 29, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-five of chapter thirty of the laws of eighteen hundred and eighty-five, entitled "An act to amend, revise and consolidate the several acts relating to the village of Oneonta, in the county of Otsego," is hereby amended to read as follows:

§ 35. Whenever a majority of the property owners representing a majority of the taxable property upon any street, as appears on the last assessment roll of said village, shall by petition request the construction of a public sewer or drain, or the paving of said street or any part thereof, the trustees may at their earliest convenience consistent with the public good cause the same to be constructed and paid for in the manner provided for in this act. Whenever a majority of the property owners on either side of a public street, by petition request a sidewalk on such side thereof, the same or any portion thereof shall, if approved by the trustees, be laid by them as soon as practicable, and its cost be paid for as provided in this act. The value of property represented on all such petitions to be determined as it appears on the last assessment roll of said village. Whenever a sidewalk shall have been laid under the provisions of this section on either side of any street for two-thirds or more of the whole length of said street, the board of trustees, by a majority vote of said board, may order laid and lay a walk on the balance of the same side of said street, or any part thereof, as said trustees may determine, without the petition or consent of the abutting property holders in the same manner as if the same had been asked for by petition as in the preceding part of this section provided, and the expense thereof shall be paid, assessed and collected in the same manner as if the same had been laid on the petition or request of the property holders on said street.

§ 2. This act shall take effect June first, nineteen hundred.

Chap. 244.

AN ACT to authorize the sale of certain real property in the borough of Manhattan, city of New York devised by Benita Carrio de S. Suarez to her granddaughter Maria del Carmen Santos Suarez de Carvajal and others.

Became a law, March 29, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Court may
entertain
petition.

Section 1. Power is hereby conferred upon the supreme court of the state of New York, to entertain a petition for the sale of the whole or any part of all those certain lots, pieces or parcels of land together with the buildings thereon, situate in the borough of Manhattan in the city of New York on the northeasterly side of Pine street in the first ward of said borough, at present known and distinguished by the numbers fifty and fifty-two Pine street; bounded southwesterly by Pine street; southeasterly by a lot of ground now or lately belonging to Henry Parish; northeasterly in the rear by a lot of ground now or lately belonging to Mathias Bruen and northwesterly by a lot of ground now or lately belonging to George Suckley the lots hereby granted beginning at a point fifty-seven feet and seven inches from the northeasterly corner of William and Pine streets and containing in front on Pine street forty feet four inches; on the southeasterly side ninety-eight feet seven inches; in the rear forty-three feet and one inch, and on the northwesterly side one hundred and two feet four inches be the same more or less. Also all that certain lot of land and premises now known as number eighty-one Greenwich street in said city, situate on the easterly side of Greenwich street distant about eighty-five feet south of Rector street, containing nineteen feet ten inches front on Greenwich street by a depth of ninety-seven feet four inches to New Church street, with a frontage thereon of sixteen feet nine inches, be said several dimensions more or less. Also all that certain lot of land situate in said city on the easterly side of Fifth avenue, beginning at a point distant fifty feet five inches southerly from the southeasterly corner of the said Fifth avenue and One hundred and nineteenth street; running thence eastwardly on a line parallel with One hundred

and nineteenth street one hundred and ten feet; running thence southwardly on a line parallel with Fifth avenue thirty-three feet eight inches; running thence westwardly on a line again parallel with One hundred and nineteenth street one hundred and ten feet to the easterly side of Fifth avenue, and running thence northwardly along the same thirty-three feet eight inches to the point or place of beginning. Also all that certain lot of land situate in said city on the easterly side of Fourth or Park avenue, beginning at a point distant fifty feet five inches northerly from the north-easterly corner of One hundred and seventeenth street and said avenue; running thence eastwardly on a line parallel with said One hundred and seventeenth street ninety feet; running thence northerly on a line parallel with said avenue thirty-three feet eight inches; running thence westerly on a line parallel with One hundred and seventeenth street ninety feet to the easterly side of Fourth or Park avenue, and running thence southerly along the same thirty-three feet eight inches to the point or place of beginning.

§ 2. The court may by reference or otherwise inquire whether it is for the interest of all parties interested as life tenants or in remainder or reversion in the said premises that the same should be converted into money. It shall have power by order to show cause to summon before it any persons interested in the said premises; to appoint special guardians or guardians ad litem for such of them as may be infants, and to authorize the service of such order to show cause upon any of them who are non-residents of the state of New York by publication or substituted service, without the state of New York in the manner provided by law for service of a summons upon a non-resident in an action for partition.

Powers
of court.

§ 3. The court shall have power in its discretion to appoint by order a referee to sell said property upon such reasonable terms as to cash or credit as the court shall prescribe, and to bring the proceeds into court after payment of any liens or charges for taxes and assessments, and the court may authorize the payment from the proceeds of the expenses of the proceeding, including reasonable counsel fees and referee's charges, disbursements for auctioneer's fees and any other proper disbursements, and may direct the remainder of said proceeds, so far as they shall not belong absolutely to any party to the proceeding, to be placed for

Sale of
property
and invest-
ment of
proceeds.

safekeeping and investment in the custody of a proper person or trust company to be designated by the court, with proper provisions to enable any person entitled to the income of such fund to draw the same from such custodian as such income shall from time to time accrue, less the expenses of managing the same, including reasonable commissions to the custodian and a further provision that the principal of said fund shall not be withdrawn from such custody until all life estates therein have determined, and then only upon the order of the court upon notice to all persons entitled to an interest in the said fund.

§ 4. Said fund shall, while in the custody of the supreme court, or of any custodian appointed by the supreme court, retain its legal character of real estate for the purpose of the determination of the rights of all persons entitled to the capital or income thereof.

§ 5. The title of any purchaser at any sale hereby authorized shall be valid in fee simple as against all persons not in being at the time of the sale, who shall at any time have or claim an interest in said property, and against all infants duly represented by guardian on the proceedings hereby authorized, and against all persons who shall join or acquiesce in such proceedings. Any deed given to carry out any sale authorized by this act shall vest in the purchaser, his, her or their heirs or assigns the entire interest in the land conveyed of the parties bound as aforesaid.

§ 6. The court may in its discretion authorize a sale subject to the interest, vested or contingent, of any person or persons interested in said property who may not be bound as aforesaid, and may permit any person interested to become a purchaser at said sale, and may in its discretion fix a price below which said property or any portion thereof or the interest therein sold shall not be struck down.

§ 7. The power of the court under this act shall not be exhausted by the making of one or more sales, but shall continue so long as any portion of the said property remains undisposed of.

§ 8. This act shall take effect immediately.

Fund to retain legal character of real estate.

Title of purchaser.

Sale of property subject to vested, etc., interest.

Continuation of powers of court.

Chap. 245.

AN ACT to amend chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," and the several acts amendatory thereof and supplementary thereto, in relation to the department of parks.

Accepted by the city.

Became a law, March 29, 1900, with the approval of the Governor. Passed,
three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three hundred and fifteen of chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," as amended by chapter seven hundred and five of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

City charter amended.

§ 315. The common council shall every year grant to the said park commissioners such sum of money as they shall require and as to the said common council shall appear reasonable and just, for the government, improvement, paving and maintenance of said parks and approaches, and for keeping in repair the improvements and structures therein, and for furnishing a suitable office for said commissioners. One-half of all expenses for opening, grading, paving or constructing, the roadway or roadways of the said approaches shall be paid from the general fund and the other half be defrayed by local assessments upon the lands adjacent to such approaches, or which the assessors shall determine to be benefited thereby, and shall be a lien thereon, and assessed, levied and collected in the same manner as other local assessments, and when collected shall be paid into the park fund; provided that where any approach or part of an approach shall have three roadways, the whole expense of opening, grading, constructing or paving the central roadway shall be paid from the general fund, and one-half the expense of opening, grading, paving or constructing either lateral roadway shall be assessed upon the private property adjacent to such lateral roadway and benefited thereby, and the other half shall be paid from the general fund.

Annual appropriation for park commissioners.

Expenses for paving etc., how defrayed

Where any approach, or part of an approach, has two roadways and no more, one-half of the expense of opening, grading, constructing or paving each roadway, shall be assessed on the adjacent property benefited thereby, which shall be on the same side of the approach as the roadway on which the work shall be done, and the other half shall be paid from the general fund. But the repair of all parkways and approaches which shall have been paved or macadamized, shall be paid for out of the general fund when less than one-third of the roadway is in condition requiring repair. But, whenever on any one or more blocks or sections of any park approach more than one-third of the roadway requires repair, the work shall be deemed paving anew and shall be paid for as original paving. The common council shall order the expense of opening, grading, constructing or paving such approaches as is herein provided to be paid by adjacent property benefited, to be assessed, levied and collected as local assessments, as hereinbefore provided, upon the same being reported to them by the board, and all such assessments, when collected, shall be paid into the park fund. The said commissioners may construct, repair and maintain sidewalks upon said approaches at the expense of the owners of the parcels of land in front of which the work is done, and shall report the expense of the work to the common council, which shall direct the same to be assessed upon the parcels of land in front of which the work was done or is to be done, in proportion to the benefit; and the board of assessors shall thereupon assess the same. Such assessments shall be liens upon the property assessed, and be levied and collected in the same manner as other local assessments. All moneys collected upon such assessments shall be paid into the city treasury to the credit of the park fund. The said commissioners shall furnish annually an estimate of what sum of money they will require for the government, maintenance and improvement of said park, parks and approaches, specifying the particular improvements which are proposed to be made on any park approach, and the said council in making its annual grant to said commissioners shall specify each item and the amount of each item of such estimate granted for improving any of such approaches, as well as the total amount. Said commissioners shall not apply the moneys so granted for any particular improvement on any park approach to any other purpose. The money granted by said com-

Repair of
parkways
and ap-
proaches.

Assessment
of expen-
ses.

Sidewalks
upon ap-
proaches.

Annual
estimate of
expenses.

mon council shall be paid out of the park fund which is hereby created, when ordered by said commissioners, upon their drafts, signed by the president and secretary, and countersigned by the comptroller. The said annual estimate of the commissioners shall be certified by the secretary of said board and furnished to the city comptroller on or before the first day of February of each year, which estimate, shall receive the same consideration by the comptroller as estimates of the other city departments, and shall be included by said comptroller in his annual estimates.

*Moneys how
disbursed.*

*Estimates
when to be
furnished.*

§ 2. This act shall take effect immediately.

Chap. 246.

AN ACT to authorize the city of Yonkers to vacate, cancel and annul two certain assessments imposed to defray the expense of laying out and opening Chanfrau place in said city of Yonkers and of building a sewer in Chanfrau place in said city of Yonkers and in relation to certain sales thereunder.

Accepted by the city.

Became a law, March 29, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The assessment heretofore made and imposed, and confirmed on the thirteenth day of November, eighteen hundred and ninety-seven, to meet and defray the expense of laying out and opening Chanfrau place in the city of Yonkers, and the assessment heretofore made and imposed, and confirmed on the thirteenth day of June, eighteen hundred and ninety-eight, to meet and defray the expense of building a sewer in Chanfrau place in the city of Yonkers shall be vacated, cancelled and annulled whenever the common council of the city of Yonkers shall so declare by a resolution to that effect duly adopted by said common council.

*Assessment
v. cated.*

§ 2. Upon the vacation, cancellation and annulment of said assessments, or either of them, the sales of any portion of lands made thereunder on account of any default of payment of said assessments, or either of them, shall be thereby vacated, set

*Sales of
lands
vacated.*

aside, cancelled and annulled and the city clerk of the city of Yonkers shall thereupon cancel and discharge such said assessment and such said sales made thereunder from the records kept in his office.

Issue of
bonds.

§ 3. The common council of the city of Yonkers in addition to all other bonds now authorized by law, is authorized to issue bonds of the city of Yonkers in a sum not exceeding five thousand dollars, such bonds shall be known as "Chanfrau Place Bonds" and shall bear interest at a rate not to exceed four per centum per annum and shall be signed by the mayor and city clerk and sealed with the corporate seal of the city of Yonkers and shall be sold at not less than par. The proceeds derived from such bonds shall be used in re-paying the assessments described in this act to the person or persons who have paid the same or to his or their heirs or assigns, and for retiring assessment bonds heretofore issued on the strength of such assessments.

Proceeds
of sale.

Repeal.

§ 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 5. This act shall take effect immediately.

Chap. 247.

AN ACT to amend section fifty-eight of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled "An act to unite into one municipality, under the corporate name of the city of New York, the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn and county of Kings, the county of Richmond and part of the county of Queens, and to provide for the government thereof," in relation to the powers of commissioners of deeds.

Accepted by the city.

Became a law, March 29, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section fifty-eight of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven,

entitled "An act to unite into one municipality under the corporate name of the city of New York, the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn, and the county of Kings, the county of Richmond and part of the county of Queens, and to provide for the government thereof," is hereby amended so as to read as follows:

§ 58. The board of aldermen is hereby authorized and is empowered to appoint commissioners of deeds from time to time, who shall hold their offices for two years from the date of their appointment; such appointment shall not require the concurrence of the council nor the approval of the mayor, and hereafter, at the time of subscribing or filing the oath of office, the city clerk shall collect from each person appointed a commissioner of deeds the sum of five dollars, and he shall not administer or file said oath unless said fee has been paid. All fees collected by the city clerk under and by virtue of this act, except as hereinafter provided, shall be accounted for and paid over monthly into the treasury of the city. The city clerk shall appoint an officer to be known as commissioner of deeds clerk, whose duties shall be to enter the name of commissioners of deeds appointed, in a book kept for that purpose, make out certificates of appointment and to discharge such other duties as the city clerk may designate. Said commissioner of deeds clerk shall receive a salary at the rate of twelve hundred dollars per annum, payable monthly. Any person hereafter appointed to the office of commissioner of deeds in and for the city of New York by the board of aldermen, before entering upon the discharge of the duties of said office and within thirty days after such appointment, shall take and subscribe before the commissioner of deeds clerk, in the office of the city clerk, the following oath of office: That the applicant is a citizen of the United States and of the state of New York, and a resident of the city of New York; that he will support the constitution of the United States and the constitution of the state of New York, and faithfully discharge the duties of the office of commissioner of deeds. Any commissioner of deeds who may remove from the city of New York during his term of office is hereby required to notify the city clerk of such removal. Any person appointed to the office of commissioner of deeds under the provisions of this section

Appointment of commissioners of deeds.

Commissioner of deeds clerk.

Oath of office.

Powers of commissioner.

upon qualifying as above provided may take acknowledgments and administer oaths in any part of the city of New York, without filing a certificate of his appointment in the office of the clerk of the county in which he resides or in which the borough in which the acknowledgment is taken or oath administered is situated, and all papers so acknowledged or verified shall be recorded or read in evidence without any further proof, in all the boroughs of the city of New York. The city clerk upon the request of any commissioner appointed under the provisions of this act must make and deliver to such commissioner a certificate under his hand and official seal, showing the appointment and term of office of such commissioner, which certificate may be filed in the office of the clerks of the counties of New York, Kings, Queens and Richmond upon payment of six cents in each office for filing. The clerks of the counties of New York, Kings, Queens and Richmond shall keep each a book in which shall be registered the signature of the commissioners so filing such certificate, and said clerks of the counties of New York, Kings, Queens and Richmond shall upon demand and upon payment of the sum of twenty-five cents, authenticate a certificate of acknowledgment or proof or oath taken before such a commissioner of deeds, by subjoining or attaching to the original certificate of acknowledgment or proof or oath, a certificate under his hand and official seal specifying that at the time of taking the acknowledgment or proof, the officer taking it was duly authorized to take the same; that the authenticating officer is acquainted with the former's handwriting, or has compared the signature to the original certificate with that deposited in his office by such officer, and that he verily believes the signature to the original certificate is genuine, and if the original certificate is required to be under seal, he must also certify that he has compared the impression of the seal affixed thereto with the impression of the seal of the officer who took the acknowledgment or proof deposited in his office, and that he verily believes the impression of the seal upon the original certificate to be genuine, without regard to the county in which said acknowledgment was taken or oath administered, provided that said county be wholly within the city of New York, or if it be partly within the city of New York, that the acknowledgment was taken or oath administered in that portion of said county which is included within the boundaries of the city of New York. Any in-

Certificate
of appointment.

Register.

Authentica-
tion of
certificate
of acknowl-
edgement,
etc.

strument or paper acknowledged before a commissioner within the city of New York and certified by the clerk of the county of New York, Kings, Queens or Richmond, as hereinbefore provided, shall be recorded or read in evidence in any county of this state without further proof. The term of office of every commissioner of deeds who, on the first day of May eighteen hundred and ninety-eight, shall be holding over after a term of two years, shall then cease.

Term of
office.

§ 2. This act shall take effect immediately.

Chap. 248.

AN ACT to amend the lien law, relating to the filing of chattel mortgages.

Became a law, March 29, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ninety of chapter four hundred and eighteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to liens, constituting chapter forty-nine of the general laws," is hereby amended to read as follows:

§ 90. **Chattel mortgage to be filed.**—Every mortgage or conveyance intended to operate as a mortgage of goods and chattels or of any canal boat, steam tug, scow or other craft, or the appurtenances thereto, navigating the canals of the state, which is not accompanied by an immediate delivery, and followed by an actual and continued change of possession of the things mortgaged, is absolutely void as against the creditors of the mortgagor, and as against subsequent purchasers and mortgagees in good faith, unless the mortgage, or a true copy thereof, is filed as directed in this article.

§ 2. Section ninety-two of such chapter four hundred and eighteen of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

§ 92. **Where filed.**—An instrument or a true copy thereof if intended to operate as a mortgage of a canal boat, steam tug, scow or other craft, or of the appurtenances thereto, navigating the canals of this state, must be filed in the office of the comp-

troller, and need not be filed elsewhere. Every other chattel mortgage, or an instrument intended to operate as such, or a true copy thereof, must be filed in the town or city where the mortgagor, if a resident of the state, resides at the time of the execution thereof, and if not a resident, in the city or town where the property mortgaged is, at the time of the execution of the mortgage. If there is more than one mortgagor, the mortgage, or a certified copy thereof, must be filed in each city or town within the state where each mortgagor resides at the time of the execution thereof. In the city of New York, such instrument must be filed as follows, to wit: in the borough of Brooklyn in said city, such instrument shall be filed in the office of the register of the county of Kings; in the borough of Queens in said city, in the office of the clerk of Queens county; in the borough of Richmond in said city, in the office of the clerk of the county of Richmond, and in the borough of Manhattan and the borough of the Bronx in said city, in the office of the register of the city and county of New York. In every other city or town of the state, in the office of the city or town clerk, unless there is a county clerk's office in such city or town, in which case it must be filed therein.

§ 3. Section ninety-three of such chapter four hundred and eighteen of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

§ 93. **Filing and entry.**—Such officers shall file every such instrument presented to them for that purpose, and endorse thereon its number and time of its receipt. They shall enter in a book, provided for that purpose, in separate columns, the names of all the parties to each mortgage so filed, arranged in alphabetical order, under the head of "mortgagors" and "mortgagees," the number of such mortgage or copy and, the date of the filing thereof; and, if the mortgage be upon a craft navigating the canals, and filed in the office of the comptroller, the name of the craft shall also be inserted.

§ 4. Section one hundred and thirteen of such chapter four hundred and eighteen, of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

§ 113. **Where contract to be filed.**—Such contracts shall be filed in the city or town where the conditional vendee resides, if he resides within the state at the time of the execution thereof,

and if not, in the city or town where such property is at such time. Such contract shall be filed in the city of New York, as follows, to wit: in the borough of Brooklyn in said city, such instrument shall be filed in the office of the county of Kings; in the borough of Queens in said city, in the office of the clerk of Queens county; in the borough of Richmond in said city, in the office of the clerk of the county of Richmond, and in the borough of Manhattan and the borough of the Bronx in said city, in the office of the register of the city and county of New York; in every other city or town of the state, in the office of the city or town clerk unless there is a county clerk's office in such city or town, when it shall be filed in such office.

§ 5. This act shall take effect immediately.

Chap. 249.

AN ACT to make the office of sheriff of Chemung county a salaried office, and to regulate the management thereof.

Became a law, March 29, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sheriff of the county of Chemung next elected or appointed and thereafter to be elected or appointed, shall receive as compensation for all his services and for the services of his jailers, turnkeys, counsel, clerks, deputy sheriffs and all persons whom it may be necessary for him to employ to properly perform the duties of said office and all work, labor and duties appertaining thereto, which are now or may by law be made a county charge upon the said county of Chemung, an annual salary of forty-five hundred dollars, payable quarterly by the county treasurer; he shall also be entitled to receive and retain to his own use, his fees and perquisites in all civil cases, or proceedings in which the same are to be paid by private persons or corporations other than the county of Chemung; and shall perform the duties in connection therewith without expense to the county of Chemung; he shall also be entitled to be reimbursed for his actual and necessary traveling expenses in the performance of his duties in criminal actions and proceedings and for

Compensation of sheriff and employees.

Retention of fees in civil cases.

Reimbursement of expenses.

the actual and necessary traveling expenses of his deputies and assistants in such actions and proceedings, which said disbursements shall be presented in the form of an itemized account and shall be audited and allowed by the board of supervisors the same as other claims against the county are audited and allowed. The salary above provided for shall not be increased or diminished during the term of office of any incumbent of such office hereafter chosen or appointed.

Official
bond.

§ 2. The sheriff, before entering upon the duties of his office, shall execute to the people of this state, a bond in the penal sum of twenty thousand dollars with three or more sufficient sureties, or a fidelity or surety company authorized by the laws of this state to transact business therein. Such bond shall be conditioned that said sheriff shall well and faithfully discharge all the duties of his office and all trusts imposed upon him by law or by virtue of his office, and shall safely keep and pay over to the county treasurer all moneys which shall come into his hands belonging to the county of Chemung. Before the said sheriff shall enter upon the discharge of his duties the said bond shall be approved as to its form and sureties by a resolution of the board of supervisors of said county, and shall be filed and recorded in the office of the county clerk of said county, as soon as the same shall have been so approved. Said sheriff shall be responsible for the official acts of the under sheriff, jailer, deputies, clerk or counsel and other assistants appointed by him, and may require and take a bond from each of them in a good and sufficient amount conditioned for the faithful performance of their respective duties, which shall be approved by him and the county judge of said county, as to its form and sufficiency, and the county of Chemung shall in no particular be held responsible for any official act of the said sheriff, or any of his appointees.

Responsible
for official
acts of
assistants.

Duties of
sheriff.

§ 3. It shall be the duty of the said sheriff to perform all the services which he is or shall be required or authorized by law to perform by virtue of or by reason of his holding such office, including his duties as officer of the courts, and the care and management of the jail, jail property and grounds and persons confined in said jail, and no compensation, payment or allowance shall be made to him or to any person whom he has intrusted with the performance of any duty connected with said office, or

appointed to any position of trust or profit thereunder, or to any other person for his or their own use for any such services, except as herein provided.

§ 4. All the fees, emoluments and perquisites which such sheriff shall charge or receive or which he shall be legally entitled, authorized or required to charge or receive shall belong to the county of Chemung, except as herein provided. It shall be his duty to exact, collect and receive the full amount allowed by law of all such fees and allowances. Fees and perquisites.

§ 5. Such sheriff shall make a full and true statement for each quarter of the year of all moneys received each day by him or by his under sheriff or deputies, or other official appointees for the fees, perquisites and emoluments for all services rendered by him, or them, in his or their official capacity, which by the provisions of this act belong to the said county, and shall transmit and deliver such statement to the county treasurer of said county within ten days from the expiration of said quarter; such statement shall show the total receipts for said quarter, and shall have attached thereto an affidavit of said sheriff, in effect that the same is, in all respects, a full and true statement of all moneys by him and those under him to his knowledge received and chargeable to said office as herein provided. A summary of such quarterly reports shall also be prepared by the sheriff and presented to the board of supervisors at its annual meeting. At the time of rendering every such statement such sheriff shall pay over to the county treasurer of the county of Chemung for the benefit of said county, the whole amount of the moneys so received by him and chargeable to said office since making the last preceding quarterly statement. Quarterly statement of receipts.

§ 6. The jail of the county shall be kept by the sheriff of the county, as now required by law, and the sheriff shall be entitled to use and occupy the sheriff's residence with heat and light without charge or expense. All implements, material, food and supplies of whatever nature necessary for the custody and maintenance of the prisoners detained within the jail, shall be furnished by the county of Chemung. All of such articles shall be purchased by the sheriff. He shall keep a correct and itemized account thereof in the books to be provided for that purpose by the supervisors of said county. Each item of said account shall specify the date at which it was expended, to whom Summary.

Payment over of moneys.

Jail and supplies.

Itemized accounts.

Annual
statement
to super-
visors.

it was paid, the place where paid, and for what, and the amount thereof. At the annual meeting of the board of supervisors the sheriff shall present to the said board a written statement in detail of his expenses for the above purposes. Such statement shall contain a copy of the account kept in the sheriff's book, as above provided. To said statement there shall be attached vouchers for each of the payments therein stated to have been made. Said statement shall be verified by the affidavit of the person making the same, to the effect that the said payments were actually made for the purpose therein specified at the time and to the person therein mentioned. Such accounts so presented shall be audited by the board of supervisors and the amount allowed therefor shall be paid as other county charges.

Bill show-
ing name of
prisoners,
etc.

The said sheriff shall also present to said board an itemized bill showing the name of each prisoner, and the actual time each was confined in said jail as a county charge and the cost per week for the care, supervision and maintenance of each of said prisoners. Care, supervision and maintenance shall include the board, washing, service and every charge of any name, nature or description which can or may legally be made in connection with said prisoners from the time of their confinement in said jail until their discharge.

Repeal.

§ 7. All acts or parts of acts inconsistent with this act in so far as the same may relate to Chemung county, are hereby repealed.

§ 8. This act shall take effect immediately.

Chap. 250.

AN ACT to authorize the Tuxedo Park Association to appoint special policemen.

Became a law, March 29, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appoint-
ment of
special
policemen.

Section 1. The Tuxedo Park Association, a corporation owning, leasing and controlling real property in the town of Tuxedo, in the county of Orange, may appoint and at pleasure remove, one or more special police officers. Every policeman so appointed shall,

within fifteen days thereafter, before entering on the duties of his office, take the constitutional oath of office and file the same with the town clerk of the town of Tuxedo. The compensation of such policemen shall be paid by such corporation.

§ 2. Such policemen shall have the same powers within the limits of the grounds owned, leased or controlled by such corporation, as are vested in constables of the towns wherein such grounds are located. Such policemen shall preserve order, prevent disturbances and breaches of the peace in and about the buildings and property, and in and about the grounds of such corporation, and shall protect and preserve the same from injury, shall arrest any person making a loud or unusual noise, causing any disturbance, committing any breach of the peace, committing any crime, or any wilful trespass on such grounds or property, or in or upon such buildings, and shall convey such person so arrested with a statement of the cause of such arrest before a magistrate having jurisdiction of the offense. Each such policeman shall, when on duty, wear in plain view a metallic shield with the words "policeman" and the name of such corporation inscribed thereon. Powers and duties

§ 3. This act shall take effect immediately.

Chap. 251.

AN ACT to provide for the appointment of clerks to the justices of the appellate division of the supreme court in the second judicial department.

Became a law, March 29, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Each of the justices of the supreme court designated to the appellate division of the second department may appoint, and at pleasure remove, a confidential clerk to said justice, by an instrument in writing under his own hand and to be filed in the office of the secretary of state. A clerk, so appointed, shall receive an annual salary, to be fixed in amount by the justice appointing him, of not to exceed two thousand dollars. The comptroller of the state shall cause the salaries of such clerks

to be paid to them in equal quarterly instalments, and shall annually apportion the aggregate sum of such salaries among the counties of the second judicial department, in proportion to the taxable property of such counties respectively, according to the last assessment-roll thereof. The amount so apportioned to each county shall be a county charge, and the county treasurer upon receipt thereof shall pay over the same to the comptroller of the state.

§ 2. This act shall take effect immediately.

Chap. 252.

AN ACT to ratify and confirm the constitution of the Seneca nation of Indians, adopted on the fifteenth day of November, eighteen hundred and ninety-eight.

Became a law, March 29, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The amended constitution of the Seneca nation of Indians, made and adopted by such Indians in convention assembled, at the council-house at Coldspring, on the Allegany reservation, and also at the court-house on the Cattaraugus reservation, on the fifteenth day of November, eighteen hundred and ninety-eight, is hereby ratified and confirmed.

§ 2. This act shall take effect immediately.

Chap. 253.

AN ACT to amend the Indian law, in relation to elections, council and courts.

Became a law, March 29, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections forty-two, forty-nine, fifty-three, and seventy-three of chapter eight hundred and seventy-nine of the laws of eighteen hundred and ninety-two, entitled "An act in relation to

Indians, constituting chapter five of the general laws," as amended by chapter two hundred and twenty-nine of the laws of eighteen hundred and ninety-three, are hereby amended to read, respectively, as follows:

§ 42. There shall be a bi-annual election in the Seneca nation on the first Tuesday of November, nineteen hundred, and every second year thereafter. The voters residing on the Allegany reservation shall on each election day assemble at the council-house near Coldspring, and the voters residing on the Cattaraugus reservation shall assemble at the court house near Versailles, and by ballot choose successors to the officers of such nation whose terms expire with such election and fill vacancies in any offices, which have not been filled by a special election. The peacemakers of each reservation shall preside and constitute the board of inspectors of such election for their respective reservations. If any of such peacemakers are absent or refuse to serve, the electors present shall choose a person qualified to vote at such election to fill such vacancy. Before entering upon the discharge of their duties, such inspectors shall each take an oath, administered by one of the peacemakers, to support the constitution of the Seneca nation and to faithfully discharge the duties of their office according to the best of their ability. Each of such board of inspectors shall appoint a competent person as clerk, who shall keep a poll-list, containing the name of each person voting at such election and minutes of the proceedings and of the result of the election. The president of the nation shall provide for each of the Cattaraugus and Allegany reservations, a ballot-box with a lock and an opening in the top sufficient to admit of the insertion of a folded ballot. Such box shall be locked upon the opening of the polls and remain locked until the close of such election. Each ballot received by the inspectors of election shall be deposited in such box through the opening of the top thereof. Such inspectors shall see that such election is conducted with order and regularity. The polls of such election shall be opened at nine o'clock in the forenoon and shall be kept open until five o'clock in the afternoon, when each of such boards of inspectors shall immediately proceed publicly and before adjourning to count the votes cast, publicly announce the result thereof, and make and sign duplicate certificates containing a statement of the whole number of votes

Time and
places of
bi-annual
election.

Board of
inspectors.

Poll clerk.

Ballot box.

Opening
and closing
of polls.

Canvass
and state-
ment of
votes.

cast, and the number cast for each candidate. Each of such boards, within two days of such election, shall cause one of such duplicate certificates to be delivered to the clerk of the nation, who shall immediately record the same in the records of the nation. Such boards of inspectors and the president and clerk of the nation shall constitute the board of national canvassers; and, on the Tuesday following such election, shall meet at the court house on the Cattaraugus reservation at ten o'clock in the forenoon, examine such certificates, ascertain the results of such election, and declare such persons elected as have received the highest number of votes; and such board of national canvassers, or a majority of them, shall before adjournment, execute a certificate containing a statement of the whole number of votes cast for each candidate and the name of each candidate declared to be elected to any office; such certificate shall be attested by the clerk of the nation who shall immediately record the same in the records of the nation, and such certificate shall be evidence of the result of such election. The term of office of each officer elected at such election shall, unless elected to fill a vacancy, be two years, and shall commence on the completion of the canvass of the votes by the board of national canvassers. There shall be an annual election in the Tonawanda nation on the first Tuesday in June. At such election, successors shall be elected to the officers of such nation whose terms shall expire with such election, or during the calendar month next thereafter. The oldest peacemaker present at such election and the clerk of such nation shall be the president and clerk of the meeting, and shall keep minutes of the proceedings and results of such election. If either of such officers are absent from the meeting, the qualified voters present thereat shall choose a qualified voter to act in his stead. The officers elected at such meeting shall be chosen, upon the nomination of an elector, by ballot, or by the ayes and noes, as the meeting shall determine; and a plurality of votes shall be necessary to elect. The presiding officer and clerk of such meeting shall count the votes cast thereat and announce the result thereof. The result of such election shall be entered and certified by the president and clerk thereof in a book provided by such nation, called the register of election, which book shall be evidence of the result of elections entered therein. The terms of office of the officers elected shall

Board of
national
canvassers.

Statement
and deter-
mination of
board.

Term of
office.

Annual
election in
Tonawanda
nation.

be one year, and shall commence on the first Tuesday of July next after the election.

§ 49. The fees of surrogates, peacemakers and marshals shall be fixed and determined by the council. In every controversy before the peacemakers they shall award the costs to be paid by the party against whom their determination shall be made; the costs allowed shall be ascertained and specified by them in their determination.

Fees of
surrogates,
peace-
makers, etc.

§ 53. If any party shall fail to comply with, or fulfill the directions or finding of the peacemakers in any matter heard or determined by them in pursuance of law, within the time fixed by such determination, the party in whose favor such determination may be, shall be entitled to recover the amount awarded to him, by such determination with costs, in an action in justice's court before any justice of the peace of the county in which such reservation or a part thereof is situated, in which action, a copy of the record of such determination, certified to by said clerk, shall be conclusive evidence of the right of recovery, and of the amount of such recovery, and executions shall be awarded to enforce the collection of the judgment obtained thereon in the same manner and with the like effect as against white persons, and the property and person of the defendant in such action shall be liable to seizure and sale, or imprisonment, as in like cases against white persons. In case the action or proceeding, is one not within the jurisdiction of justice's courts, the application may be made to a court having jurisdiction of actions of the same nature.

Enforce-
ment of
judgments.

§ 73. The council of the Seneca nation shall meet annually on the first Tuesday of December, and in extra session whenever called by the president. Ten of the councilors shall be necessary to constitute a quorum for the transaction of business. The council shall have power,

General
powers
and
duties of
council.

1. To appropriate the moneys of the nation for the purpose of discharging the debts thereof, but all appropriations of public moneys shall be by an affirmative vote of at least of ten of the councilors elected.

2. To fix the salaries of all officers of the nation whose salaries are not defined by law.

3. To determine on the laying out and working of roads and highways, and to make by-laws for the regulation of such work.

4. To pass by-laws and ordinances not inconsistent with law, for the protection and improvement of the common land of the nation, for the regulation of fences, for the prevention of trespass of cattle and other animals; and may provide a penalty of not exceeding five dollars, for the violation of any by-law or ordinances, recoverable by any officer of the nation for the benefit of the nation, before the peacemakers' court of the reservation in which the offender resides or in which the offence is committed.

§ 2. The Indian law is hereby amended by adding thereto one new section to be known as section eighty-eight thereof, and to read as follows:

Court of
impeach-
ment, how
called
together.

§ 88. The court of impeachment as provided by the constitution of the Seneca nation shall be called together by the clerk of the nation, upon a written petition, presented to him, signed by at least twenty electors of said nation.

Repeal.

§ 3. Section forty-six of the Indian law is hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 254.

AN ACT to amend the tax law in relation to the taxation of special franchises as real property.

Became a law, March 29, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty-two of the tax law is hereby amended so as to read as follows:

§ 42. **Assessment of special franchises.**—The state board of tax commissioners shall annually fix and determine the valuation of each special franchise subject to assessment in each city, town, or tax district. After the time fixed for hearing complaints the tax commissioners shall finally determine the valuation of the special franchises, and shall file with the clerk of the city or town in which said special franchise is assessed a written statement duly certified by the secretary of the board of the valuation of each special franchise assessed therein as finally fixed and determined by said board; such statement of valuation shall be filed with the town clerk of the respective towns within

thirty days next preceding the first day of July in each year; and with the clerks of cities of the state within thirty days before the date set opposite the name of each city in the following schedule. In the city of New York such statement shall be filed with the department of taxes and assessments.

SCHEDULE OF DATES FOR FILING OF ASSESSMENTS OF SPECIAL FRANCHISES.

Name of city.	Date.	Name of city.	Date.
Rochester.	April 1st.	Jamestown.	April 1st.
Ithaca.	April 1st.	Buffalo.	April 1st.
Gloversville.	April 1st.	Auburn.	May 1st.
New York City.	May 1st.	Schenectady.	June 1st.
Corning.	June 1st.	Hornellsville.	June 1st.
Oswego.	June 1st.	North Tonawanda.	July 1st.
Olean.	July 1st.	Syracuse.	July 1st.
Cohoes.	July 1st.	Ogdensburgh.	July 1st.
Dunkirk.	July 1st.	Troy.	July 1st.
Rome.	July 1st.	Watertown.	July 1st.
Elmira.	July 1st.	Lockport.	July 1st.
Utica.	July 1st.	Poughkeepsie.	July 1st.
Little Falls.	July 1st.	Watervliet.	July 1st.
Niagara Falls.	July 1st.	Kingston.	July 1st.
Newburgh.	July 1st.	Hudson.	July 1st.
Amsterdam.	July 1st.	Binghamton.	July 1st.
Geneva.	July 1st.	Middletown.	July 1st.
Johnstown.	July 1st.	Yonkers.	Oct. 1st.
New Rochelle.	Oct. 1st.	Albany.	Oct. 1st.
Mt. Vernon.	Oct. 1st.	Rensselaer.	Oct. 1st.

Each city or town clerk shall, within five days after the receipt by him of the statement of assessment of a special franchise by the state board, deliver a copy of such statement certified by him to the assessors or other officers charged with the duty of making local assessments in each tax district in said city or town and to the assessors of villages and commissioners of highways within their respective towns and villages. The valuations of every special franchise as so fixed by the state board shall be entered by the assessors or other officers in the proper column of the assessment roll before the final revision and certification of such roll by them, and become part thereof with the same force

and effect as if such assessment had been originally made by such assessor or other officer. If a special franchise assessed in a town is wholly within a village, the valuation fixed by the state board for the town shall also be the valuation for the village. If a part only of such special franchise is in a village, or is in a village situated in more than one tax district, it shall be the duty of the village assessors to ascertain and determine what portion of the valuation of such franchise, as the same has been fixed by the state board, shall be placed upon the tax roll for village purposes. The valuation apportioned to the town shall be the assessed valuation for highway purposes, and in case part of such special franchise shall be assessed in a village and part thereof in a town outside a village, the commissioners of highways of the town and village shall meet on the third Tuesday in August in each year and apportion the valuation of such special franchises between such town outside the village and such village for highway purposes. In case of disagreement between them the decision of the supervisor of the town shall be final. The town assessors shall make an apportionment among school districts at the time and in the manner required by section thirty-nine of this chapter. The valuation so fixed by the state board shall be the assessed valuation on which all taxes based on such special franchise in the city, town or village for state, municipal, school or highway purposes shall be levied during the next ensuing year. It shall not be necessary for the state board of tax commissioners to give notice to any person, co-partnership, association or corporation of the valuation of a special franchise located in any village for village purposes except in a case where such valuation is required to be made for such village purposes by the state board of tax commissioners. The assessors or other taxing officer, or other local officer in any city, town or village, or any state or county officer, shall on demand furnish to the state board of tax commissioners any information required by such board for the purpose of determining the value of a special franchise.

§ 2. Section forty-five of the tax law is hereby amended so as to read as follows:

§ 45. *Certiorari to review assessment.*—An assessment of a special franchise by the state board of tax commissioners may be reviewed in the manner prescribed by article eleven of this chap-

ter, and that article applies so far as practicable to such an assessment, in the same manner and with the same force and effect as if the assessment had been made by local assessors; a petition for a writ of certiorari to review the assessment must be presented within fifteen days after the completion and filing of the assessment roll, and the first posting or publication of the notice thereof as required by law. Such writ must run to and be answered by said state board of tax commissioners and no writ of certiorari to renew any assessment of a special franchise shall run to any other board or officer unless otherwise directed by the court or judge granting the writ. An adjudication made in the proceeding instituted by such writ of certiorari shall be binding upon the local assessors and any ministerial officer who performs any duty in the collection of said assessment in the same manner as though said local assessors or officers had been parties to the proceeding. The state board of tax commissioners on filing with the city, town or village clerk a statement of the valuation of a special franchise, shall give to the person, co-partnership, association or corporation affected written notice that such statement has been filed, and such notice may be served on a co-partnership, association or corporation by mailing a copy thereof to it at its principal office or place of business, and on a person either personally or by mailing it to him at his place of business or last known place of residence.

§ 3. This act shall take effect immediately.

Chap. 255.

AN ACT to legalize the drawing of a grand jury by the clerk of Herkimer county for the term of supreme court commencing on Monday, April the second, nineteen hundred, in the village of Herkimer.

Became a law, March 29, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The act of Duane M. Richardson, clerk of the county of Herkimer, in drawing grand jurors from the list of grand

*Drawing of
grand jury
legalized.*

jurors, filed in the office of the clerk of Herkimer county for the year eighteen hundred and ninety-nine, instead of the last list filed according to law for the year nineteen hundred, is hereby confirmed, ratified and legalized to the same purpose and to be of the same force and effect as if the jurors so drawn had been selected from the said list for the year nineteen hundred; and nothing therein shall in any way invalidate said drawing of jurors or affect the legality of said jury; and the said jurors shall have all the powers and be subject to all the duties and responsibilities the same as though they had been drawn by the said county clerk from the said list filed for the year nineteen hundred.

§ 2. This act shall take effect immediately.

Chap. 256.

AN ACT to provide for the erection of an armory in the city of Buffalo, for the use of the Sixty-fifth regiment National Guard, and making an appropriation therefor, providing for the purchase of a site for such armory and the taking of real estate therefor.

Became a law, March 29, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

selection
and pur-
chase of
armory, etc.

title to vest
in - etc.

Section 1. It shall be the duty of the board of supervisors of Erie county to select and purchase on behalf of and in the name of the people of the state of New York, such selection and purchase to be approved by the armory commission of the state, a plot of ground in the city of Buffalo, county of Erie, suitable for the purposes of an armory for the Sixty-fifth regiment of the National Guard, located in Buffalo, the title to which shall be taken in the name of and vested in the people of the state of New York. If such board of supervisors is unable to agree for the purchase of such site with the owner or owners of the land or any part thereof, the chairman of such board of supervisors shall acquire title to such land in the name of the people of the state of New York under the condemnation law. The site selected for said armory shall not be less than two hundred and seventy-eight

feet broad and six hundred feet deep. It shall be prominently and conveniently located and the ground must be solid and not made land. In case said board of supervisors shall fail or refuse to select and purchase such site, as hereinbefore provided within six months after service on the chairman of said board of a written notice signed by said armory commission, requesting said board to make such selection and purchase, then and in that event it shall be the duty of the armory commission to select and purchase at the expense of the county such site. If said armory commission is unable to agree for the purchase of such site with the owner or owners of the land, or any part thereof, said commission shall acquire the title thereto under the condemnation law.

Selection,
etc., by
armory
commis-
sion.

§ 2. The board of supervisors of Erie county whenever notified by its chairman or whenever written notice shall be served upon its chairman, by the armory commission, that such land has been contracted for or purchased, or the title has been acquired as above directed, is hereby authorized and directed to cause to be executed by its chairman and the treasurer of said county, in behalf of and in the name of the county of Erie, interest bearing bonds in the amount or aggregating the amount, required to pay the purchase price or cost of said land, together with such sums as are necessary for the cost of acquiring said title, and for grading, filling, excavating, draining, paving, fencing, making sewer and water connections and laying sidewalks about said land. The aforesaid bonds shall bear interest at the rate of not to exceed four per centum per annum, payable semi-annually, both principal and interest to be made payable at the office of the county treasurer of Erie county at the city of Buffalo, New York; one-third of said bonds shall be made payable in five years, one-third thereof in ten years, and one-third thereof in fifteen years from the date of their issue, or at such other periods as said board of supervisors may decide is for the best interests of said county, and the amount thereof and the semi-annual interest as it shall respectively become due thereon shall be raised in the several tax budgets of said county for the years when said bonds and semi-annual interest shall become due, and shall be applied to the payment of such bonds. Said bonds shall be sold by the treasurer of the county of Erie to the highest bidder at a price not less than the par value thereof, after ten days

Issue of
bonds for
purchase
price, etc.

Interest,
when pay-
able, etc.

Tax for
interest and
principal.

Sale of
bonds.

Proceeds
of sale.

notice, specifying the time and place where bids will be received therefor, such notice to be published for five days in the official paper of the county of Erie and in such other manner as the board of supervisors shall direct. The proceeds of the sale of said bonds shall be retained by said county treasurer and shall by him be paid out for the purchase price or cost of said land, the cost of acquiring said title, and for grading, filling, excavating, draining, paving, fencing, making sewer and water connections and laying sidewalks about said land, upon the written requisition of the armory commission.

Plans and
specifica-
tions for
armory,
etc.

§ 3. Whenever the land above mentioned shall be purchased or the title thereto shall have been acquired in the manner aforesaid, it shall be the duty of said commission forthwith to proceed to obtain by competition or otherwise, plans and specifications for the construction of a suitable armory and drill hall and store house, including suitable apparatus for heating the same, with rifle range and kitchen and the necessary fixtures for the same, the aggregate cost of which said armory and drill hall and store house, the apparatus for heating the same, and rifle range and kitchen and the necessary fixtures for the same, shall not exceed the sum of five hundred and fifty thousand dollars, which sum is hereby appropriated for that purpose out of any moneys in the treasury not otherwise appropriated; but no expenditures except for plans and specifications, the printing of notices and the expenses of said commission, shall be made until the title to a suitable site for such armory free from all encumbrances, certified by the attorney general to be sufficient and in due form, shall be vested in the people of the state of New York, nor until a contract or contracts for the erection of such armory, drill hall and store house, including suitable apparatus for heating the same, with rifle range and kitchen, and the necessary fixtures for the same, shall have been executed as herein provided.

Aggregate
cost limited.

Appropri-
ations.

Expendi-
tures re-
stricted.

Contracts
for erection,
&c., of ar-
mory.

§ 4. Said armory, drill hall and store house, including suitable apparatus for heating the same, including rifle range and kitchen and the necessary fixtures for the same shall be erected under and pursuant to a contract or contracts to be let by said commission, after at least two weeks notice of the place at which printed copies of the specifications of the work to be done can be obtained and the plans and drawings therefor can be seen, and the time and place

at which the commission will meet in public session for the purpose of receiving proposals for the doing of such work; at the time and place so designated the said commission shall meet in public session, and shall receive and open all proposals and shall read the same in the presence of those then present, and the contract or contracts shall be awarded to the lowest responsible bidder, who shall within a time to be fixed by the commission and before the work shall be begun, execute a bond to the people of this state in such sum and with such surety as such armory commission shall direct, conditioned for the faithful performance and completion of said work in a manner satisfactory to said commission. The notice provided for in this section shall be published daily, except Sundays, in three newspapers printed and published in the city of Buffalo, and in such other newspapers as the commission may designate. The said commission shall have the power to reject any or all bids for said work or materials if it shall deem it for the best interests of the state so to do, and in such case shall immediately thereafter re-advertise for other and further bids. The said commission shall have power to appoint, and at its pleasure discharge, a superintendent of the work during the construction of the aforesaid armory.

Opening of
proposals
and award
of con-
tracts.

Superinten-
dent of
work.

§ 5. Of the amount hereby appropriated, the sum of fifty thousand dollars shall be paid by the treasurer upon the warrant of the comptroller during the year nineteen hundred; and two hundred thousand dollars, together with any unexpended balance of the amount hereby made available during the year nineteen hundred, shall be paid in like manner during the year nineteen hundred and one; and two hundred thousand dollars, together with any unexpended balance of the amounts hereby made available during the years nineteen hundred and nineteen hundred and one shall be paid in like manner during the year nineteen hundred and two; and one hundred thousand dollars or so much thereof as may be necessary for the completion of said armory, together with any unexpended balance of the amounts hereby made available during the years of nineteen hundred, nineteen hundred and one and nineteen hundred and two shall be paid in like manner during the year nineteen hundred and three.

Payment of
appropria-
tions.

§ 6. This act shall take effect immediately.

Chap. 257.

AN ACT to amend the liquor tax law relating to a special deputy commissioner for Monroe county.

Became a law, March 30, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section nine of chapter one hundred and twelve of the laws of eighteen hundred and ninety-six, as amended by chapter three hundred and twelve of the laws of eighteen hundred and ninety-seven, chapter one hundred and sixty-seven of the laws of eighteen hundred and ninety-eight, chapter three hundred and ninety-eight and chapter four hundred and thirty-four of the laws of eighteen hundred and ninety-nine, is hereby amended so as to read as follows:

§ 9. Special deputy commissioners in certain localities.—The state commissioners* of excise shall appoint a special deputy commissioner for the county of Erie; he shall also appoint a special deputy commissioner for the boroughs of Manhattan and the Bronx; also a special deputy commissioner for the borough of Brooklyn and a special deputy commissioner for the borough of Richmond; also a special deputy commissioner for the borough of Queens; also a special deputy commissioner for the county of Monroe. Such special deputy commissioners shall hold office during his pleasure and any vacancy in the office of special deputy commissioner shall be filled by the state commissioner. Upon the special deputy commissioner for the county of Erie are devolved all the powers, duties and obligations heretofore possessed by and vested in the special deputy commissioner for such county. Upon the special deputy commissioner for the boroughs of Manhattan and the Bronx are devolved all the powers, duties and obligations heretofore possessed by and vested in the special deputy commissioner for the county of New York. Upon the special deputy commissioner for the borough of Brooklyn are devolved all the powers, duties and obligations heretofore possessed by and vested in the special deputy commissioner for the county of Kings. Upon the special deputy commissioner for the

* So in the original.

borough of Richmond are devolved all the powers, duties and obligations heretofore possessed by and vested in the county treasurer of the county of Richmond under the liquor tax law. Upon the special deputy commissioner for the borough of Queens are devolved all the powers, duties and obligations heretofore possessed by and vested in the county treasurer of the county of Queens under the liquor tax law, and on January first in the year nineteen hundred all the powers, duties and obligations exercised and possessed by the county treasurer of the county of Queens under the provisions of the liquor tax law shall cease, terminate and end. Upon the special deputy commissioner for the county of Monroe are devolved all the powers, duties and obligations heretofore possessed by and vested in the county treasurer of the county of Monroe under the liquor tax law, and on June first, in the year nineteen hundred all the powers, duties and obligations exercised and possessed by the county treasurer of the county of Monroe under the provisions of the liquor tax law shall cease, terminate and end. The special deputy commissioners for the county of Erie, the county of New York and the county of Kings, now in office, shall be respectively the special deputy commissioners for the county of Erie, the boroughs of Manhattan and the Bronx and for the borough of Brooklyn, until their successors shall be appointed. The special deputy commissioners for the boroughs of Manhattan and the Bronx shall receive an annual salary of four thousand dollars; for the borough of Brooklyn, three thousand dollars; for the borough of Richmond and the county of Monroe, two thousand each, and for the county of Erie three thousand dollars, and for the borough of Queens two thousand five hundred dollars. Such salaries shall be payable in equal monthly installments. The special deputy commissioner for the borough of Richmond and the county of Monroe each shall be allowed the sum of five hundred dollars annually or so much thereof as may be necessary to cover all the expenses of his office, including office rent and clerical help. The special deputy commissioner for the borough of Queens shall be allowed the sum of one thousand five hundred dollars annually or so much thereof as may be necessary, to cover all the expenses of his office, including office rent and clerical help. Each of such special deputies and their successors in office shall take and subscribe the constitutional oath of office, execute and file in the of-

fice of the comptroller a bond to the people of the state in such sum and with such sureties as shall be approved by the commissioner. The commissioners shall appoint in the office of each of such deputies, and their successors, except in the office of the deputy for the borough of Richmond and in the office of the deputy for the borough of Queens and the county of Monroe, such clerical force as may be necessary, or as may be provided by law. Each of such deputies, except the special deputy for the borough of Richmond and the special deputy for the borough of Queens, shall be furnished with an office, and furniture, fixtures and appliances therefor, as may be necessary. They shall perform such duties as may be required by the commissioner, or as may be provided by law. Each of such special deputies and their successors in office shall perform in the county or borough for which he is appointed all the duties heretofore conferred upon boards of excise or excise commissioners in such county or in the territory included in such borough under any law repealed by this act during the continuance of any license heretofore granted under such law as to the transfer, surrender or revocation thereof or as to prosecuting offenses for violations of law under any law existing immediately prior to March twenty-third, eighteen hundred and ninety-six.

§ 2. All acts and parts of acts inconsistent herewith are hereby repealed.

§ 3. This act shall take effect June first in the year nineteen hundred.

Chap. 258.

AN ACT in relation to the court of appeals law library at Rochester.

Became a law, March 30, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Change of name.—The law library in Rochester, known as the court of appeals law library, shall hereafter be known as the Law Library of the Appellate Division of the Supreme Court, Fourth Judicial Department.

§ 2. **Location and maintenance.**—Such law library shall be kept in the court house of Monroe county and without expense to the state for heat, light, janitor's service, furniture, stationery supplies, binding and repair of books, which shall be provided by said county.

§ 3. **Use of library.**—This library shall be maintained as a free public library for the use of the people of the state, the appellate division of the supreme court in the fourth judicial department, the supreme court of the seventh judicial district and the local courts at Rochester. The consultation library heretofore provided for the appellate court shall be a part of this library but shall remain in the justices' chambers for their own personal use.

§ 4. **Librarians.**—The librarian of said library and an assistant librarian and their successors shall be appointed and may be removed at pleasure by the justices of the appellate division of the supreme court in the fourth judicial department. The librarian shall be paid an annual salary of two thousand dollars, to be paid in monthly installments by the state comptroller which shall be levied and assessed by him upon the counties constituting the fourth judicial department, and the assistant librarian shall be paid by the county of Monroe, a salary to be fixed by the board of supervisors of said county. A certificate of the appointment of the librarian, signed by the presiding justice of the fourth judicial department, shall be filed with the comptroller of the state.

§ 5. **Repeal.**—All acts or parts of acts inconsistent with the provisions of this chapter are hereby repealed.

§ 6. This act shall take effect immediately.

Chap. 259.

AN ACT to change the name of the justices' court of the city of Troy to the "city court of Troy," to prescribe the manner of the appointment of the clerk thereof, and of marshals and attendants upon said court, to increase the jurisdiction thereof, to abolish the office of constable in the city of Troy, and to regulate the practice in said court.

Passed without the acceptance of the city.

Became a law, March 31, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City court
and judges.

Section 1. The justices' court of the city of Troy shall, on and after the first day of April, nineteen hundred, be known and designated as the "city court of Troy," and the justices of said justices' court are continued in office for the balance of the term for which they have been elected, and shall on and after the said first day of April, nineteen hundred, be known as judges of the city court of Troy. They shall receive a salary, to be fixed by the board of estimate and apportionment, which shall not be less than twelve hundred dollars per annum. Said city court shall have and exercise all powers and jurisdiction heretofore conferred on the justices' court of the city of Troy, not inconsistent with the provisions of this act, together with the jurisdiction and powers hereinafter provided. There shall be two judges of the city court to be elected at the city election, and their terms of office shall be four years.

Jurisdiction
of court.

Election
and terms
of judges.

§ 2. At the city election to be held next preceding the close of the term of a judge of the said city court, the office shall be filled by election, and the persons so elected shall hold office for the term of four years and shall receive an annual salary, to be fixed by the board of estimate and apportionment at not less than twelve hundred dollars per annum.

Vacancy in
office of
judge.]

§ 3. Whenever a vacancy shall occur in the office of judge of the said city court, it shall be filled at the next city election. The person so elected shall hold office for the term of four years, provided however, that until the first day of January subsequent to

the said election, the said vacancy shall be filled by the appointment of some qualified and competent person by the mayor.

§ 4. The constables elected in said city are continued in office for the balance of the term for which they have been elected and hereafter no constable shall be elected in the city of Troy. The mayor shall, within five days after the first day of January, nineteen hundred and two, and every year thereafter, or whenever vacancies occur in the office of marshal of the city court, as herein provided, appoint as many persons as may be necessary, not exceeding five, who are electors of the city marshals of the city court, who shall, in addition to their other duties, be and act as attendants upon the court during its sessions. The marshals so appointed shall possess, in actions or proceedings, all the powers and be under all the obligations and duties of constables in the towns of the state and of constables in cities as now provided. They shall hold their offices for two years unless sooner removed. Every marshal so appointed shall execute and file in the county clerk's office, with at least two sureties, to be approved by a judge of the court, a bond to the people of the state of New York, in the penal sum of one thousand dollars, conditioned for the faithful discharge of his duties, in which bond he and his sureties shall jointly and severally agree to pay to every person who may be entitled thereto all such sums of money as the marshal shall become liable to pay on account of any execution which shall be delivered to him for collection, and shall also jointly and severally agree to pay every person any damage which he may sustain from or by any act or thing done by the marshal, by virtue of his office. The judges of the court have power to make such rules and regulations, to be entered in full upon the docket of the court, concerning the attendance and duties of the marshals as attendants upon the court as they deem necessary and proper, and a violation of such rules and regulations by the marshals is hereby constituted a cause for suspension or removal from office as hereinafter provided. The fees of each marshal shall be the same as are provided by law for constables rendering similar services, and shall be paid in the same manner. The marshals shall neither receive nor be entitled to any salary or compensation for services rendered as court attendants.

Office of
constable
abolished.

City
marshals.

Official
bonds.

Rules and
regulations
concerning
marshals.

Fees.

§ 5. The judges of the court have power to remove any marshal, upon complaint as is provided by law, for the removal of a cause.

Removal of
marshal for
cause.

stable of a town. The judges shall associate together to hear and determine the complaint, and the same proceedings shall be had by and before them as are provided by law to be had by and before three justices of the peace of a town for the removal of a constable.

Power of judges.

The judges are hereby authorized to solemnize marriages. They shall also have power to take oaths and acknowledgments with the same force and effect as a justice of the peace. They or either of them may command the services of any marshal of the city to enforce the authority of the court and to maintain the peace.

Eligibility to office of judge.

§ 6. No person shall be eligible to the office of judge of the city court unless he be an elector of the city, and has been an attorney of the supreme court of the state for five years.

Sittings of court.

§ 7. The court shall be held at a place to be designated by ordinance of the common council and be open for the transaction of business each day in the year, Sundays and legal holidays excepted, and shall be held by one of the judges thereof. Whenever, however, the necessities of business require, the court shall be held in two parts or divisions at the same time.

Jurisdiction of court.

§ 8. The court shall have jurisdiction of the following actions and proceedings, when any person a party thereto is a resident of the city, whether commenced by summons, warrant, attachment or other process:

1. An action to recover damages upon, or for breach of contract, express or implied, other than a promise to marry, where the sum claimed does not exceed one thousand dollars.

2. An action to recover damages for a personal injury, or an injury to property, where the sum claimed does not exceed one thousand dollars.

3. An action upon a bond, conditioned for the payment of money, where the sum claimed to be due, does not exceed one thousand dollars.

4. An action upon a surety bond, taken in the court, or by any justice of the peace, where the sum claimed does not exceed one thousand dollars.

5. An action upon a judgment rendered in the city court, or in a court of a justice of the peace, or in a district court, or in a justice court of a city, being a court not of record.

6. An action to recover one or more chattels, with or without damages, for the taking, withholding or detention thereof, where the value of the chattel, or of all the chattels, as stated in the

affidavit made on the part of the plaintiff, does not exceed one thousand dollars.

7. To render judgment upon the confession of a defendant or defendants, as prescribed in title six, chapter nineteen of the code of civil procedure, where the sum confessed does not exceed one thousand dollars.

8. In an action for damages for fraud in the sale, purchase or exchange of personal property, if the damages claimed do not exceed one thousand dollars.

9. In an action commenced by attachment, pursuant to the provisions of article four of title two of chapter nineteen of the code of civil procedure, if the debt or damages claimed do not exceed one thousand dollars.

10. The summary proceedings, under title two of chapter seventeen of the code of civil procedure, to recover possession of land and to remove tenants and others therefrom where the land is situated in the city.

11. In actions or proceedings under any statute for the enforcement of the liens of mechanics and others, where the amount of the lien does not exceed the sum of one thousand dollars, under the same proceedings as are provided by law to be had in justices' courts.

12. In proceedings to recover a penalty for the violation of any ordinance of the city.

13. In any other action or civil proceeding of which justices of the peace of towns now have jurisdiction.

14. In an action against an executor or administrator, as such, where the amount of the claim is less than the sum of one thousand dollars and the claim has been duly presented to the executor or administrator and rejected by him.

§ 9. Such court cannot take cognizance of a civil action in either of the following cases:

Not to take cognizance of certain cases.

1. Where the title to real property comes into question, as prescribed in title three of chapter nineteen of the code of civil procedure. But when such question arises, the pleadings and practices shall be the same as are now prescribed by law, for justices' courts, in regard thereto.

2. Where the action is to recover damages for false imprisonment, libel, slander, criminal conversation, seduction or malicious prosecution, or where it is brought under sections eighteen hun-

dred and thirty-seven, eighteen hundred and forty-three, eighteen hundred and sixty-eight, nineteen hundred and two, or nineteen hundred and sixty-nine of the code of civil procedure.

3. Where, in the matter of account, the sum total of the accounts of both parties, proved to the satisfaction of the court, exceeds two thousand dollars.

4. Where the action is brought against an executor or administrator as such, except where the amount of the claim is less than the sum of one thousand dollars and the claim has been duly presented to the executor or administrator and rejected by him.

Process,
how served,
etc.

§ 10. The process shall be served within the city wherein the court is situated and shall be made returnable before the court, by its proper title, and shall be substantially in the forms and returnable within the times prescribed for courts of justices of the peace, and shall be signed by a judge or clerk of the court if there be one and no seal shall be required or be necessary on the process of said court.

Provisions
of code and
general
laws applic-
able.

§ 11. The process, service of the same, appearances, practice, pleadings and proceedings in the court and in appeals therefrom, judgments by confession, offers to compromise, fees, costs and disbursements shall, except as hereinafter otherwise provided, be governed by the provisions of the code of civil procedure in regard to courts of justice of the peace, including the provisions of chapter four hundred and fourteen of the laws of eighteen hundred and eighty-one, and the acts amendatory thereof, in relation to the service and making of verified pleadings in justices' courts. The precept, practice, pleadings and appeal in summary proceedings, shall be governed by the provisions of the code of civil procedure relating thereto, except that the petition must be filed with, and the precept issued by the clerk, or either of the judges of said court, and made returnable before the court and proceedings thereon subsequently had in said court before either of the judges thereof, and upon final order made in favor of the petitioner, the warrant may be issued by the clerk, if there be one, or by either of the judges of said court. The judges may, from time to time, make, alter and amend rules of practice, not inconsistent with the provisions of law. Such rules, or alterations or amendments shall not take effect, however, until a copy thereof signed by both of the judges of the court, and endorsed with the approval of a justice of the supreme court,

Rules of
practice.

shall have been filed in the office of the clerk of the county, and until such copy, with the endorsement, shall have been published at least once in the official newspapers of the city. The appearance of an attorney and counselor-at-law of the supreme court of this state on behalf of any party to any action or proceeding pending in the city court, may be made by filing with the clerk of the court or either judge a notice of appearance, and shall have the same force as if such appearance had been made in a proceeding pending in the supreme court, and the judge before whom a trial is had shall have the power to grant a new trial of the action or proceeding, for any of the reasons specified in section nine hundred and ninety-nine of the code of civil procedure, upon such terms as may be just. It or the judges thereof may also entertain motions and make orders in any action or proceeding of which it has or has had jurisdiction, in the same manner as may be done in the supreme court. The court shall have power to open defaults and to set aside judgments entered thereon; and pending an application for such purpose to stay execution issued thereon. The filing of a transcript of the judgment in the county clerk's office shall not prevent the court from exercising said power, and in an action tried by a jury to direct a verdict. Any action or proceeding pending in said court may be discontinued by filing with either judge or with the clerk of the court a stipulation to that effect signed by the parties or their attorneys, and by paying said judge or said clerk all the fees of said court, including the constable's or marshal's fees. If notice of a motion or of any proceeding before the court or a judge thereof be necessary, it shall be served upon the party, or his attorney, at least five days before the time appointed for the hearing, unless the court or a judge thereof, upon an affidavit showing ground therefor, makes an order to show cause why the relief asked for should not be granted and in the order directs that service thereof less than five days before it is returnable be sufficient. A motion for a new trial upon the minutes in a case tried by a jury must be made at the close of the trial. Judgment upon the trial of an action on the merits before a judge without a jury must be rendered within ten days after the same has been finally submitted. Every action and proceeding brought in the court shall be called at the time specified in the mandate or process by which it is commenced, or as soon thereafter as the busi-

Appearance
of attorney.

New trial.

Opening defaults and
setting aside judgments.

Discontinuance of
actions.

Notice of
motion.

Judgment upon trial
without jury.

Action, etc.,
when called.

ness of the court will permit and section twenty-eight hundred and ninety-three of the code of civil procedure shall not apply to such action or proceeding.

Executions. § 12. All the powers now given by law to justices of the peace of towns, to issue executions, or to give transcripts are hereby given to the judges, and clerk of the court.

Judgments of court. § 13. A judgment of the court shall be, in all respects the same as a judgment rendered by a justice of the peace of towns, and all provisions of the code of civil procedure in relation to filing transcripts of such judgments, and docketing the same, in the office of the clerk of the county in which the city is located, or of any other county, shall in all respects be the same as if the judgment was recovered before a justice of the peace of a town. But such judgment shall be a lien, and remain in force for the same length of time as a judgment originally recovered in the county court.

Adjournments. § 14. The court may, in its discretion, grant one or more adjournments of the trial of an action, or the hearing of a motion, or other proceeding, for such times and upon such terms as it may deem just, unless the defendant has been arrested, in which case no adjournment shall be made without his consent. Any action or special proceeding may be adjourned after issue has been joined by a stipulation signed by the parties or their attorneys and filed with either of the judges or with the clerk of the court.

Fees in civil actions. § 15. There shall be paid to either of the judges of said court, or the clerk if there be one, the following sums only as court fees in a civil action: Upon the issuing of a summons, twenty-five cents; upon the return day, if judgment is to be taken by default, or if issue be joined: (1) If such judgment be rendered, or the amount demanded in the complaint be for a sum less than twenty-five dollars, twenty-five cents; (2) if such judgment be rendered or the amount demanded in the complaint be for the sum of twenty-five dollars or over, fifty cents; for the trial of an action by the court, if issue be joined, seventy-five cents; for the trial of an action by a jury, one dollar and twenty-five cents; for each transcript for making a return upon an appeal from a judgment, or order, two dollars, and in addition thereto there shall be paid, before the return is filed with the appellate court, six cents for each folio of one hundred words contained in the

return in excess of fifty folios. In summary or special proceeding, the fees shall be the same as are now allowed by law to justices of the peace. All fees paid into the court or included in any judgment rendered therein, except constable, marshal, jury and witness fees, shall belong to the city, and no such judgment shall be satisfied until the fees are paid into the court. Fees prepaid by either party, recovered by any judgment in his favor and paid into the court shall be refunded to him. The fees and costs paid as herein provided belonging to the city shall be paid over to the treasurer of the city of Troy monthly, and each of said judges, or said clerk shall furnish to said treasurer a full, true and correct statement in writing, duly verified on oath, of all such costs and fees not paid over to the party or parties in such civil actions and proceedings, and such statements shall be made in detail. All expenses for stationery and supplies for said court shall be paid by the treasurer of said city from the moneys received as fees and costs by the judges, or clerk, of the city court and from no other funds of said city.

Fees to
belong to
city.

Monthly
payment
over of fees

Office
expenses.

§ 16. In all civil actions and proceedings in the court the successful party shall tax and recover all fees paid by him, or which he will necessarily incur. In addition thereto there shall be allowed to a party in case he has appeared by an attorney of the supreme court, and not otherwise, the following sums as costs:

Taxation of
fees and
allowances.

1. For all proceedings before trial, including judgment for plaintiff upon default, in case the amount of recovery be thirty dollars or less, to the plaintiff, ten per centum of such amount; in case the recovery be more than thirty dollars and not more than two hundred and fifty dollars, five dollars; in case the recovery be more than two hundred and fifty dollars and not more than five hundred dollars, seven dollars; in case the recovery be more than five hundred dollars and not more than seven hundred and fifty dollars, ten dollars; in all other cases, twelve dollars.

2. If judgment be for the plaintiff, otherwise than upon default, an additional sum equal to ten per centum of the recovery not exceeding twenty-five dollars.

3. If the plaintiff recovers judgment in an action for the recovery of one or more chattels, the foregoing sum allowed as

additional costs shall be estimated upon the value of such chattels as assessed by the court or jury.

4. If judgment be rendered for the defendant, by default, to the defendant, in a case where the amount demanded in the complaint is thirty dollars or less, ten per centum of such amount; in a case where the amount demanded in the complaint is more than thirty dollars and not more than two hundred and fifty dollars, five dollars; in a case where the amount demanded in the complaint is more than two hundred and fifty dollars and not more than five hundred dollars, seven dollars; in a case where the amount demanded in the complaint is more than five hundred dollars and not more than seven hundred and fifty dollars, ten dollars; in a case where the amount demanded in the complaint is more than seven hundred and fifty dollars, twelve dollars; and where there is no complaint, three dollars.

5. If judgment be rendered for the defendant, after trial, to the defendant, ten per centum upon the amount claimed in the complaint, not exceeding twenty-five dollars.

6. A defendant who recovers judgment upon a counterclaim for a sum greater than that claimed by the plaintiff, shall be allowed ten per centum on the amount so recovered, not exceeding twenty-five dollars; and in such case he shall be allowed no other costs except his disbursements.

7. No costs or fees shall be allowed and recovered in an action brought upon a judgment of the court, unless such action be brought more than five years after the recovery of the judgment sued on.

8. Costs, upon a motion in any action or proceeding, not exceeding three dollars, may be awarded either absolutely or to abide the event of the action or proceeding, to any party, in the discretion of the court or judge. Such costs, or costs awarded under section eighteen of this act, may be included in the final judgment, or if not so included, may be enforced in accordance with the provisions of section seven hundred and seventy-nine of the code of civil procedure.

Power to
punish for
contempts,
etc.

§ 17. Any judge holding the court while in session, shall have the same powers to preserve order and to punish for contempts committed in his presence as are possessed by judges of courts of record; provided, however, that an appeal may be taken from an order adjudging a person in contempt to the county court in

the same manner as an appeal from a judgment. Pending the determination of such appeal the person adjudged in contempt, if he shall be imprisoned, may be admitted to bail by any judge of the court, or of the county court, in such an amount and by an undertaking in such form and terms, and with such sureties as shall be approved by the judge.

§ 18. Appeals may be taken from any judgment rendered in the court to the county court of Rensselaer county, in the same manner and with like effect as appeals are taken from judgments obtained in justices' courts, except as otherwise provided herein. An appeal may also be taken to the same court from an order granting a motion for a new trial. Such appeal must be taken within ten days after service of the order appealed from and notice of the entry thereof. It shall be taken in the same manner as an appeal from a judgment, and all subsequent proceedings therein shall be conducted as near as may be in like manner as in such an appeal. The appellate court may grant costs, not exceeding ten dollars, to the successful party on such appeal. The order of the appellate court shall be remitted to the city court to be enforced. For the purpose of an appeal to the supreme court, the order of the county court made on appeal from an order, shall be deemed an order of the county court, except that the order or judgment made in the supreme court shall be certified and remitted to the city court to be enforced. Upon an appeal from a judgment the appellate court upon its reversal, may, in its discretion, order a new trial before either of the judges of the city court, at a time designated, and in such case the costs of the appeal shall be in the discretion of the appellate court, and any and all costs may be by it directed to be included in any subsequent judgment in the same action in the same court. Any decision or opinion in writing filed by a judge of the court shall, upon appeal, be returned as a part of the record of the proceedings. Costs required to be paid to perfect an appeal under section three thousand and forty-seven of the code of civil procedure, shall not include the costs awarded a party under section sixteen of this article; but upon judgment affirming the judgment appealed from, or upon the plaintiff or defendant being entitled to recover costs upon a new trial had in the appellate court, such costs may be included therein, except that the per centum allowed under subdivisions two, three, five

Appeals
from judgments
and orders.

Cost to
perfect
appeals.

and six of section sixteen of this article, shall be computed upon the amount of damages awarded, or the value of the chattels recovered, in the judgment of the appellate court.

Clerks to
courts.

§ 19. The court shall, in the discretion of the board of estimate and apportionment, have a clerk, and such other assistants as the board of estimate and apportionment may prescribe, to be appointed by the judges, such appointment to be in writing, and filed with the city clerk of the city of Troy and with the clerk of the county of Rensselaer. On the failure of the judges to make the appointment within ten days after the board of estimate and apportionment has so determined or a vacancy has occurred the mayor shall make such appointment. The board of estimate and apportionment is hereby authorized to provide for the appointment of such clerk whenever said board shall deem it necessary, and the said clerk, when appointed, shall have such powers and duties as are herein provided. The clerk, if there be one, shall be a stenographer and shall hold office during the pleasure of the judges, and shall give a bond to the city for the faithful performance of the duties of such office, in such form and for such sum, and with such sureties as shall be approved by the judges, and file the same with the comptroller of the city. The salary of said clerk, or assistants, shall be fixed by the board of estimate and apportionment. It shall be the duty of the clerk, if there be one, to keep in the docket of the court a complete and accurate record of all processes issued by and returned to the court, and of all proceedings in any action or proceeding brought in the court, and to enter therein the judgment and decision of the court; and the docket shall be evidence in the courts of this state the same as the docket of the court of a justice of the peace. The clerk, if there be one, may make and certify, in the form provided by law for clerks of courts of record of this state, copies of the entries in the docket and of all papers filed in the court, and he shall have power to take oaths and acknowledgments, the same as a justice of the peace. He shall keep an accurate account of the fees received, from whom received and the time of receiving the same, and at the end of each month shall deposit the amount thereof with the city treasurer, together with a detailed statement of the items thereof, which statement shall be verified by him. It shall also be his duty, whenever required by either of the judges, to take stenographic

Powers and
duties.

Docket.

Certifica-
tion of
records.

Account
of fee.

Stenograph-
ic notes.

notes of any trial had in the court, for his use. The clerk shall, upon the payment of his fees allowed by law therefor which shall be the same as allowed in the supreme court, furnish a certified transcript of the whole or any part of his minutes, in any case reported by him, to any party to the action requiring the same, and the fees therefor shall belong to said clerk. He shall have power, in the absence of the judges, to adjourn an action or proceeding returnable or pending before the court, for a period not longer than eight days at a time.

Adjourn-
ment of
action.

§ 20. In the absence or inability of a police justice, or in case of a vacancy in his office, either of the city judges shall perform the duties of such police justice.

§ 21. Whenever any action pending in said court shall have been commenced by the actual service of process, or where the defendant shall have appeared in the action, either party may take the testimony of any witness who is about to leave the county or any county adjoining the said county in which said action is pending, and who will be absent when the testimony is required, taken conditionally, to be used in the trial of such action, and to be taken in the manner provided for in an action pending in the supreme court.

Testimony
of absent
witness.

§ 22. At the time when issue of fact is joined in an action in the city court either party may demand a trial by jury and unless so demanded at the joining of issue a trial jury is waived. When a trial by jury is demanded as above provided, the judge of the said court at the time presiding in the court must forthwith openly withdraw such number of ballots as he deems necessary, from the box or other receptacle, containing the names of the persons who are returned as jurors of the city, as provided by law, for the purpose of trying the issues joined as above stated at a time to which the cause in which issue has been joined shall be adjourned. But such adjournment shall not be for a longer period than eight days from the joinder of issue, unless the parties consent to a longer adjournment, which consent shall be entered in the minutes of the court. Before drawing such ballots they shall be thoroughly mingled in the box or receptacle containing them. Thereafter, except as herein otherwise provided and so far as consistent with this act, the provisions of sections twenty-nine hundred and ninety-two, twenty-nine hundred and ninety-three, twenty-nine hundred and ninety-four, twenty-nine hundred and ninety-five, twenty-nine

Trial by
jury.

hundred and ninety-six, twenty-nine hundred and ninety-seven, twenty-nine hundred and ninety-eight, three thousand and six, three thousand and seven, three thousand and eight and three thousand and nine of the code of civil procedure, shall govern the further proceedings upon the issue joined as above provided. The judges of the said court have the powers and duties conferred and imposed upon justices of the peace under those sections. The venire must be issued to the constable or city marshal who shall have all the powers and duties of constable under those sections. Jurors in the city court shall receive the same compensation as jurors in justices' courts held by the justices of the peace.

Transfer of
pending
action.

§ 23. All actions and proceedings pending in the justices' court of the city of Troy, at the time this act takes effect, shall be transferred to the city court of said city, for hearing and determination, and shall be heard and determined therein the same as if such actions and proceedings had originally been brought therein.

Law
applicable.

§ 24. Except as hereinbefore provided, all laws now in force relating to said justices' court of the city of Troy, the justices and constables thereof shall continue in force and effect and shall apply to the said city court of Troy.

Repeal.

§ 25. All acts and parts of acts inconsistent with this act, and all provisions of the charter of the city of Troy in relation to the election of constables in said city inconsistent with this act, are hereby repealed.

§ 26. This act shall take effect immediately.

Chap. 260.

AN ACT to amend chapter one hundred and seventeen of the laws of eighteen hundred and forty-three, entitled "An act to incorporate the American Baptist Home Mission Society," in relation to the disposition of real property.

Became a law, March 31, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section two of chapter one hundred and seventeen of the laws of eighteen hundred and forty-three, entitled "An act to incorporate the American Baptist Home Mission Society,"

as amended and extended by chapter thirty-five of the laws of eighteen hundred and forty-nine, and chapter one hundred and ninety-six of the laws of eighteen hundred and seventy-seven," and further amended by chapter five hundred and twenty-eight of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

§ 2. It shall be lawful for the members of said society, at any time they may elect, to appoint such officers and to make and ordain such by-laws and regulations in relation to their organization and to the management, disposition and sale of their real or personal estate, the duties and powers of their officers and the management of their corporate affairs as they shall think proper, provided they are not inconsistent with the constitution and laws of this state and of the United States. The executive board may, on complying with this act and the constitution and by-laws of the society, and without application to the court, sell, convey, mortgage, lease or otherwise dispose of any real property, wherever situated, owned by the society. Any deed, mortgage, lease or other instrument by which any title or interest is transferred, may be executed by the chairman of the executive board and the treasurer of the society.

Officers and
by-laws.

Disposition
of real
property.

§ 2. This act shall take effect immediately.

Chap. 261.

AN ACT to amend chapter three hundred and forty-one of the laws of eighteen hundred and seventy-two, entitled "An act in reference to the Young Men's Association for Mutual Improvement in the city of Albany," relative to the board of trustees, vacancies therein, et cetera.

Became a law, March 31, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter three hundred and forty-one of the laws of eighteen hundred and seventy-two, entitled "An act in reference to the Young Men's Association for Mutual Improvement in the city of Albany," as amended by chapter sixty-two of the laws of

Charter
amended.

eighteen hundred and seventy-seven, chapter two hundred and thirty-six of the laws of eighteen hundred and seventy-eight, chapter four hundred and fifteen of the laws of eighteen hundred and ninety, and by chapter sixty-two of the laws of eighteen hundred and ninety-nine, is hereby amended so as to read as follows:

Corpora-
tions.

Corporate
name and
objects.

§ 1. The members of the Young Men's Association for Mutual Improvement in the city of Albany, and all persons who shall hereafter be associated with them, are hereby created a body corporate, by the name of "The Young Men's Association for Mutual Improvement in the city of Albany," for the purpose of establishing and maintaining, in the city of Albany, free public libraries, reading rooms, literary and scientific lectures and other means of promoting moral and intellectual improvement among men and women, with power, for such purposes, to take by gift, purchase, devise or otherwise, and to hold, grant, lease or mortgage the real and personal property of said corporation, and to be subject to the provisions of chapter one hundred and ninety-one of the laws of eighteen hundred and eighty-nine, and to erect, maintain and furnish proper buildings for their accommodation; and also, further, to take, hold and convey all such books, cabinets, library furniture and apparatus as may be necessary for attaining the objects and carrying into effect the purposes of said corporation.

Member-
ship.

Classifica-
tion and
privileges.

§ 2. The membership of the Young Men's Association for Mutual Improvement in the city of Albany shall consist of all persons who have contributed, or may hereafter contribute to the permanent fund hereinafter mentioned, or to aid in the purchase of real estate, or in the payment of any debt incurred in connection with the purchase or maintenance of real estate by said Young Men's Association the sum of fifty dollars or more. All such persons contributing the sum of one thousand dollars shall be known as founders; those contributing the sum of five hundred dollars as patrons; those contributing fifty dollars as life members. All founders, patrons and life members shall be entitled to all the privileges and advantages afforded by the libraries, reading-rooms, and the use of all books, papers and periodicals therein contained, and also admission to all lectures and literary entertainments given under the direction or auspices of the said association and further shall be entitled to a vote in perpetuity in the selection of trustees of said Young Men's Association hereafter to be chosen. In addition to the classification of members above

stated there shall be those known as sustaining members who contribute annually twenty-five dollars to the maintenance of the libraries and reading-rooms maintained and conducted by the Young Men's Association, and regular members those who contribute for the like purposes, annually the sum of five dollars. The sustaining and regular members shall be entitled to all the privileges and advantages of the libraries and reading-rooms and shall also be entitled to a vote in the selection of trustees of said association.

§ 3. The control of the funds, real and personal property, and estate, and the direction, maintenance and management of all the concerns of the Young Men's Association for Mutual Improvement in the city of Albany, shall be exclusively vested in a board of twelve trustees who shall be known as the "Board of Trustees of the Young Men's Association for Mutual Improvement in the City of Albany," and shall consist of the following persons namely: Maurice E. Viele, Amasa J. Parker, William P. Budd, Charles J. Buchanan, John L. Newman, William J. Milne, John Bowe, John E. McElroy, Charles W. Cole, Lewis Boss, Charles L. Pruyn and Jared W. Scudder, all residents of the city of Albany, state of New York. It is provided, however, that upon the death, resignation or removal from the county of Albany of any two of said board of trustees hereinbefore named that no election to fill such vacancies shall be had, it being the intention that thereafter the whole number of trustees constituting the said board shall be ten. Vacancies occurring in the manner as above provided in said board of trustees, before May first, nineteen hundred and five, in addition to the vacancies referred to in this section, shall be filled by the selection of a trustee by the board of trustees, but such vacancies occurring after May first nineteen hundred and five shall be filled by those entitled to vote under section two of this act, under such rules and at such time and place as shall be fixed by said board of trustees. No person shall be qualified to vote at any election for trustee unless upon the production of a certificate of membership dated at least five days before the day of such election and unless it appears upon the register of the association that such certificate of membership was issued and entered upon the day

Sustaining
and regular
members.

Board of
trustees.

Vacancies
in board.

It bears date. The register of membership of the said association shall be open for public examination at all times in the library room of said association during the thirty days preceding the election for trustee. The said board of trustees shall elect on the second Tuesday in April in each year, from among its number a president, vice-president, secretary and treasurer, who shall respectively be the president, vice-president, secretary and treasurer, not only of the said board of trustees of said association, but also of the corporation herein created known as the Young Men's Association for Mutual Improvement in the City of Albany, and who shall serve for one year each as such or until their successors are elected and such board of trustees may also further appoint and employ such other officers, agents and servants as the proper execution of the trust vested in such board may require, and may remove the same at pleasure. The said board of trustees shall have power to collect and receive all moneys that have been or may hereafter be contributed for the purchase of real estate and personal property, and to apply the same towards such purchase, and also to mortgage, lease or encumber, any real estate to said association belonging, and to issue bonds in such amounts, and payable at such times as the said board of trustees may deem proper, secured by such mortgage, excepting, however, that nothing in this act shall be construed to permit said board of trustees to mortgage, lease or otherwise encumber any portion of the real estate situated on the southeasterly corner of North Pearl street and Clinton avenue in the city of Albany, New York, which is about to be added to the system of libraries authorized by this act and is hereafter to be known as the "Pruyn Library;" also in its discretion to grant the free use and occupation for such term as it may deem proper, of any room, hall or apartment in any building, excepting the "Pruyn Library" which has or may hereafter be erected upon the lands of such association, to any society organized for the encouragement of science, art or literature, or for such other purposes as to the board of trustees may seem most advantageous to the interests and prosperity of the said association. Also, in their discretion to rent for the use of such association any building, premises or rooms in the city of Albany at such rental and subject to such conditions as they may deem most advantageous to the interests of said association.

Officers of
board and
corporation.

Powers of
board.

§ 4. All invested funds and securities now in the hands and under the control of the board of trustees of the Young Men's Association for Mutual Improvement in the city of Albany shall hereafter be under the control and management of the board of trustees provided for in this act, and shall be known as the permanent fund of such association. All moneys and property of every kind now in the hands and under the control of the board of trustees of the Young Men's Association for Mutual Improvement in the city of Albany, shall hereafter be under the control and management of the board of trustees hereby created. All moneys hereafter received by the board of trustees of said association from those desiring to become founders or patrons and for life memberships, and all moneys contributed or bequeathed to the said association shall be added to said permanent fund and shall be under the control and management of said board of trustees, and shall be applied as hereinafter stated, namely: The principal of said fund may in the discretion of said board of trustees be applied to the support and maintenance of the libraries under the care of said board and to the purchase, rental or improvement of real estate for the use and benefit of said association. The interest and income from such real estate or from said permanent fund shall be applied as follows: First, to the payment of the interest of any debt which the association may owe for or on account of real estate owned or held for its benefit; second, to the payment of any annual rent payable by said association, or in its behalf; third, to the payment of such portion of the principal of the debt herein mentioned as may be necessary or obligatory on said association, or as may be determined by said board of trustees; fourth, the remainder shall be paid for the promotion of the objects for which the said association is organized and in such a manner as may be determined by a vote of the board of trustees. It shall be lawful for the said board of trustees to provide a sinking fund for the extinguishment of any debt incurred by the said trustees for the benefit of the association.

Permanent
fund.

Application
of principal
and interest.

Sinking
fund.

§ 5. Except as in this act provided the permanent fund of the said association shall be held in trust by said board of trustees for the use and benefit of said association and shall not be in any manner liable for the debts contracted by said association, either for the current expenses thereof or otherwise.

Estate, etc.,
how de-
voted.

§ 6. The estate, property and funds of the Young Men's Association for Mutual Improvement in the city of Albany shall be devoted to the general objects and purposes of the corporation, as specified in the first section of this act, except as herein specially prescribed.

By-laws and
rules.

§ 7. The said board of trustees shall possess the power to adopt by-laws and rules and regulations for the full and complete management of the libraries and reading rooms maintained by said association and for carrying out in every detail the purposes and objects of the association.

General
powers and
liabilities.

§ 8. The said association shall possess all the powers and be subject to the provisions and liabilities of chapter eighteen of part first of the revised statutes, except as hereinbefore provided, and to the provisions of the university law.

Repeal.

§ 2. All former acts relating to the Young Men's Association for Mutual Improvement in the city of Albany are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 262.

AN ACT to aid in the erection of a monument in memory of the martyrs who perished in the prison ships in New York harbor during the war of the revolution.

Became a law, March 31, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation.

Section 1. The sum of twenty-five thousand dollars is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, to be expended by the Prison Ship Martyrs Monument Association of the United States, a corporation created under the laws of the state of New York, said sum to be expended under the direction of the governor of this state and the secretary of war of the United States, for the erection of a monument in the borough of Brooklyn, city of New York, in memory of the martyrs who perished in the prison ships in New York harbor during the war of the revolution, owing to their patriotic fidelity to the cause of freedom.

§ 2. The sum hereby appropriated shall be paid by the treasurer upon the warrant of the comptroller to the association aforesaid whenever such association shall present plans which have been approved by the governor of the state and the secretary of war of the United States, but no part of this appropriation shall be included in the annual tax levy, nor be available until the further sum of one hundred and fifty thousand dollars shall have become available from the United States or other sources. How payable.

§ 3. This act shall take effect immediately.

Chap. 263.

AN ACT to create a public improvement commission in and for the village of Waterford, New York, and to define its powers and duties.

Became a law, March 31, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Within fifteen days after the passage of this act, the president of the village of Waterford shall appoint five freeholders of said village who shall constitute a commission to be known as the "public improvement commission of the village of Waterford." Such appointment shall be in writing and filed in the office of the clerk of the village of Waterford, but no two of the persons so appointed shall be residents of the same ward in said village. Public improvement commission.

§ 2. The term of office of one of such commissioners shall expire on the first day of December nineteen hundred and one, and of another of said commissioners on the first day of December nineteen hundred and two, and of another of said commissioners on the first day of December nineteen hundred and three, and of another of said commissioners on the first day of December nineteen hundred and four, and of another of said commissioners on the first day of December nineteen hundred and five. Upon the expiration of their respective terms of office their successors shall be appointed for the term of five years in the manner described as provided in section one of this act. Terms of commissioners.

Eligibility
and oath of
office.

§ 3. No person shall be eligible to such appointment while he holds any municipal office in said village except the office of commissioner of deeds. The persons so appointed shall take and subscribe an oath to honestly and faithfully discharge and per-

No compen-
sation.

form the duties conferred on them by this act. Such commissioners shall not be entitled to receive any compensation from said village for any services performed by them as such commissioners, nor shall any individual disbursements be audited by said commissioners, nor shall they be directly or indirectly in-

Terms of
office, how
determined

terested in work done for or supplies or materials furnished to said village. Immediately upon taking the prescribed oath, the said commissioners shall assemble and prepare five ballots as follows: Upon one of such ballots shall be inscribed "Term of office expires December first, nineteen hundred and one;" upon another of such ballots "Term of office expires December first, nineteen hundred and two," upon another of such ballots "Term of office expires December first, nineteen hundred and three;" and upon another of such ballots "Term of office expires December first, nineteen hundred and four;" and upon another of such ballots "Term of office expires December first, nineteen hundred and five." All such ballots shall be of equal size and of same quality of paper; they shall be folded alike and deposited in some receptacle from which each of such commissioners shall draw one ballot. The ballot drawn by each commissioner shall determine his term of office. After the said commissioners shall have determined their several terms of office they shall organize by the selection of one of their number as president and another of their number as secretary, and they may from time to time adopt and amend such rules and regulations as they may deem proper for the government of their body. A majority of said commission shall constitute a quorum for the transaction of business, but less than a majority may regularly adjourn from time to time. All contracts requiring an expenditure of money shall be made with the concurring vote of three of such commissioners. Any of such commissioners may be removed from office for cause by the board of village trustees of the village of Waterford by a two-thirds vote thereof upon charges preferred in writing and served upon the commissioners against whom the same are preferred, and after reasonable opportunity to be heard on his own behalf. When a vacancy occurs in the office

Organiza-
tion of com-
mission.

Quorum.

Vote on con-
tracts.

Removals
for cause.

Vacancy in
office.

of commissioner caused by death or resignation or removal or refusal to serve, the same shall be filled immediately by the appointment in the manner provided for by section one of this act for the appointment of commissioners. The person so appointed shall continue in office during the unexpired portion of the term of the person whom he succeeds. Whenever any person shall be appointed a commissioner as provided in section one and two of this act and shall fail to take the prescribed oath as therein provided within ten days after his appointment shall have been filed in the office of the clerk of the village of Waterford, he shall be deemed to have refused to accept such office, and the president of the village of Waterford shall thereupon appoint some person in his stead.

Failure to
take oath.

§ 4. Such commission shall have power subject to the restrictions in this act contained,

Power of
commis-
sion.

1. To lay out, make, grade and regrade streets, alleys, lanes, highways, sidewalks, parks and public grounds in said village and to alter, widen, contract, straighten and extend the same, and to establish and re-establish grades for the same.

Laying out,
etc., of
streets.

2. To construct and lay trunk and main sewers, drains and receiving basins at such times and places as in their judgment shall or may be necessary and proper.

Sewers,
drains and
basins.

3. To cause any street, alley, lane, highway, park or public ground or any part or parts thereof in said village to be paved or repaved, and if necessary to be properly graded or regraded for the purpose of paving or repaving the same, and to establish and re-establish grades for the same, and to construct any and all curbstones at the curbline which it may deem necessary for properly paving or repaving.

Paving or
repaving.

4. To enter upon any lands within the limits of the proposed improvement for the purpose of surveys or for examinations, or for such other purposes as may be required to carry into effect the provisions of this act.

Entry upon
lands.

5. To advertise for proposals and contract to and with the lowest responsible bidder in the name of the village of Waterford for any part of the work under their charge at such prices and upon such terms and conditions as the said commission may deem proper and to require security from bidders that they will enter into contract, if awarded to them, and require from

Proposals
and con-
tracts.

contractors such security for the faithful performance of their contract as said commission may deem satisfactory.

Employees
and assist-
ants.

6. To employ an engineer, attorney, clerk and such other assistants as may be deemed necessary.

Appropriation
of land
and prop-
erty.

7. To take and appropriate in the name of the village of Waterford, by purchase or as herein otherwise provided, all land and property necessary for any of the public improvements provided for by this act.

Erection of
buildings.

8. To erect such public buildings as the tax-payers of the village of Waterford may by vote at such special election authorize.

Proceedings
for appro-
priation of
land.

§ 5. When said commission shall have determined to lay out, alter, widen, straighten, extend, make, open or construct any street, alley, lane, highway, sidewalk, park, place or public ground and to take and appropriate the land necessary for the same, and shall have ascertained the estimated expense of such improvement aside from the damages hereinafter mentioned, and shall have determined to have assessed such expenses and damages in the manner hereinafter provided, it shall give notice of such determinations to the owner or owners of and other persons interested in the lands so proposed to be taken and appropriated, by publishing the same once in each week for four successive weeks in a newspaper published in said village, and by personal service upon each of said persons at least fifteen days prior to the time of the application hereinafter mentioned. Said notice shall specify in general terms the improvements to be made, and shall describe the lands proposed to be taken and appropriated therefor, and shall state that such owner or owners and all persons interested in said lands may on or before a day to be specified in said notice file with the clerk of said village their claim for damages, if any, they have on account of such taking and appropriation, and that in case any of such claims for damages shall be filed the said commission shall apply at a time and place to be specified in said notice to a special term of the supreme court within the judicial district in which said village is located, or to the county court of the county of Saratoga, for the appointment of three commissioners to ascertain and determine the damages so claimed. If any such claim shall have been filed as aforesaid, the said commission may agree with any person, persons or corporation filing such claim, as to the damages such person is entitled to by reason of such taking and appropriation of

Notice to
parties
interested.

Agreements
with par-
ties.

property. But if it does not so agree, then said commission shall make application to said court at a time and place in said notice specified, for the appointment of such commissioners, and any person who shall have filed such claim for damages shall have a right to be heard on the application. Such court shall have power to adjourn the hearing and exercise general authority over the proceedings in accordance with the rules and practice of said court, except as herein otherwise provided. Said commissioners shall be disinterested freeholders of said village and shall severally before entering upon the performance of their duty take and subscribe an oath faithfully and honestly and impartially to perform their duty in making such ascertainment and determination of damages and to make a true report thereof according to the best of their ability and understanding. They shall enter upon the performance of their duties without delay and shall give notice of the time and place of their meeting to make such ascertainment and determination by publishing the same once in each week for two successive weeks in a newspaper published in said village. If either of the commissioners shall be unable to serve from sickness or other cause, said commissioner may at any time without notice make application to the court in which the proceedings are pending to have some suitable person appointed in his stead, and such court shall thereupon make such appointment. At the time and place so appointed for their meeting, the commissioners shall view the premises and receive any legal evidence and may if necessary adjourn from day to day. They shall ascertain, determine and award to the owner or owners or other persons interested in said lands so claiming damages as aforesaid such damages as in the judgment of said commissioners such owner or owners or other persons interested will sustain by such improvement after making due allowance for any benefit which such owner or owners or other persons interested may derive therefrom. If there be any building or buildings on the land taken for such improvement the value thereof, to remove, shall be ascertained and determined by the commissioners and stated in their return, and the owner thereof may remove the same within ten days or such other time as the commission may fix after confirmation, and if the same be removed such value thereof shall be deducted

Application
for commis-
sioners.Power of
court.Duties of
commis-
sioners.Notice of
meeting.Inability to
serve.View of
premises.Award of
damages.Removal of
buildings.

Determina-
tion of com-
missioners.

Notice of
presenta-
tion of re-
port to
court.

Hearing
and con-
firmation.

Proceedings
after final
confirma-
tion.

Payment of
award and
expenses.

Pay of com-
missioners.

from any damages awarded to said owner. The determination of the commissioners, signed by all of them, shall be filed with the clerk of said village within sixty days after their appointment; whereupon the said commission shall cause to be published in a newspaper published in said village, for two successive weeks, a notice that such report has been filed with the village clerk and may be examined by all persons interested, and that at a time and place to be specified in said notice, said report will be presented at a special term of the supreme court to be held in the judicial district in which said village is situated or to the county court of the county of Saratoga for confirmation, and all persons desiring to object to said report shall file their objections thereto in writing with the village clerk at least five days before the day specified in said notice of such motion for confirmation. Any party who may have appeared in the proceedings shall be entitled to notice of such motion in accordance with the rules and practice of the court, and on the day specified in such notice or on such other day as the court may designate, the court shall hear the parties in regard to said report and shall confirm such determination or annul the same. If said court annul the same it may refer the matter back to the same commissioners or to three others to be appointed by said court, who shall proceed in all things in making a return to such second determination as though it was the first, and the same proceedings shall be had thereon as if it was the original determination. After the final confirmation of any such determination and the filing of the order of confirmation in the office of the village clerk, the said commission is authorized to cause such improvement to be so made and completed and the amount of their award of damages so made and confirmed, as well as all other expenses of such improvements, shall be a valid liability against such village and payment thereof may be enforced against it by tax, assessment or vote as provided in this act, and the court upon the final confirmation of any such award of damages may direct the amount thereof when collected to be paid or deposited in some specified bank to the credit of the person entitled thereto, and such payment or deposit shall discharge the liability of said village therefor. The commissioners appointed as aforesaid shall be allowed five dollars each for every day actually and necessarily employed in and about their duties, and such compensation and their neces-

sary costs and expenses, which charges, costs and expenses shall be audited and the amount thereof fixed and determined by the said commission, shall be considered a part of the expense of such improvement. The said commission, whenever any of the public improvements mentioned in this section is to be made, shall determine what portion, if any, of the expense thereof, including such damages ought to be paid by the village at large and what proportion, if any, ought to be paid by local assessment, and shall direct that the whole expense to be paid by local assessment be assessed upon the lots and parcels of land to be benefited thereby in proportion to the benefit which each will derive therefrom, and the assessors upon being notified by the said commission so to do, shall forthwith proceed to make a special assessment and certificate, entering therein in separate columns the names of all persons assessed, the description of all lots and parcels of land assessed, and the amount each shall be assessed, assessing justly and equitably upon each parcel of land and upon each owner thereof respectively as shall be in proportion as nearly as may be to the advantage which shall be deemed to be received by the making of such improvement. The term "commission" as used in this section shall be held to mean the public improvement commission of the village of Waterford herein provided for, and the term "commissioners" as used in this section shall be held to mean the commissioners provided for in this section to ascertain and award damages.

Costs and expenses.

Apportionment of expenses.

Assessment upon land benefited.

Terms used defined.

§ 6. The said commission shall have power to cause any street, alley, lane, highway or public ground, or any part or parts thereof in said village, to be paved, repaved, graded or regraded, and if necessary to be properly graded, for the purposes of paving or repaving the same and to construct all necessary curbstones, for the purpose of such paving and repaving, when and wherever the public convenience in their judgment requires the same. The expense of the construction of the curbstone to be paid by the abutting property-owners, and shall be levied and assessed against such abutting property in the manner hereinafter provided. The expense of all such paving, repaving, grading and regrading, grading and paving of public grounds shall be paid by the village at large; one-half of all the expense of such paving, repaving, grading and regrading, grading and paving of streets and other ways and places, shall be paid by the village

Paving, etc., of streets.

Curbstones.

Expenses, how defrayed.

at large; and the other half thereof shall be defrayed by special tax upon the real estate adjacent and contiguous to that part of the street or other way paved, repaved, graded or regraded, or graded and paved, and upon the owners thereof, according to the number of lineal feet of such real estate owned by each person, persons or corporations along such street or way, except that the village at large shall also pay the expense of paving, repaving, grading or regrading or grading and paving the crossings of streets and other ways, and except that every street railway now or hereafter operated in said village shall be taxed for and shall pay the expense of paving, repaving, grading or regrading, or grading and paving that portion of every street or other way paved, repaved, graded or regraded, or graded and paved, covered by its roads, and a space two feet in width outside of and adjoining its tracks on either side; and no part of the expense of paving, repaving, grading or regrading or grading or paving any street or other way, or part of a street or other way, shall be taxed upon lands not adjacent and contiguous to that part of the street or other way paved, graded or regraded, or graded and paved, except as herein otherwise provided. When the said commission shall have determined to cause any street or other way to be paved, repaved, graded or regraded, or graded and paved, and shall have entered into contract therefor, the assessors upon being notified by the said commission to do so, shall forthwith proceed to make a special assessment and certificate, entering therein the names of all owners of land adjacent and contiguous to that part of the street or other way paved, repaved, graded or regraded, or graded and paved, and the name of every street railway operating on such street or other way, and designating therein the parcels of such land owned by non-residents, according to their best knowledge and information. They shall make a just and equitable assessment of the proper proportion of the expense of such paving, repaving, grading or regrading, or grading and paving, against such lands and owners, and against such street railway, if any, operated on such street or other way, assessing upon the several parcels of real estate adjacent and contiguous to that part of the street or other way paved, repaved, graded or regraded, or graded and paved, and upon the respective owners thereof, such portion of the whole of said expense to be so assessed as shall be proportionate to the

Special assessment and certificate.

number of lineal feet of such real estate owned by each person, and upon said street railway the portion of said expense hereinbefore mentioned, and shall enter in said certificate a brief but careful description of each parcel assessed and the sum assessed upon it, and file the same with the village clerk. It shall be duty of said assessors immediately on filing such assessment with the village clerk to cause a notice to be served on the persons named in said list, either personally or by mail, directed to their reputed places of residence, if known to said assessors, stating the time when and the place where the persons feeling themselves aggrieved with such assessment will be heard by them for the purpose of equalizing, correcting or making such alteration in such apportionment by increasing or diminishing the amount assessed to each of the persons and corporations named in the said list, and which notice shall state the amount which is charged to the person or corporation served with such notice and if the place of residence of any persons named in said list is not known to the said assessors, then such notice address to unknown owners shall be served as to them by fixing the same on the front door of the town hall in the village of Waterford. The day for such hearing shall be on a day subsequent to the expiration of the twenty days from the filing of said list as above provided. Said hearing may be adjourned from time to time. At the time and place of hearing mentioned in such notice it shall be the duty of said assessors to hear any person interested in said assessment and feeling himself aggrieved, and after such hearing and duly considering the objections, suggestions and arguments for and against said assessment, it shall be their duty to equalize, correct and alter said assessment when improperly, or unfairly and erroneously applied, by increasing or diminishing the amount charged to any person mentioned in said list by apportionment, shall be final and conclusive in the premises, and thereupon said assessors shall confirm their assessment and sign and certify the same, and file a duplicate copy with the clerk of said village, and notice that such assessment has been completed shall be posted in three public places in said village of Waterford immediately on the completion thereof. Upon the filing of such assessment with the clerk of the village the amount of the cost of said improvement as fixed by said assessors therein, shall be a first lien upon the various parcels

Notice of
hearing.

Hearing
and correction
of assessment.

Notice of
completion
of assessment.

Lien of assessment.

of land and railroads and franchises therefor described therein and the said amount shall be collected and the lien enforced in the manner as provided for the collection of taxes by the charter of the village of Waterford.

Sewer and
water main
before pav-
ing.

Lateral
pipes.

Notice to
construct
gas mains.

Removal of
pavement
not to be
made ex-
cept, etc.

§ 7. The said commission shall not have power to order any street, avenue, highway or alley to be paved, repaved or cause the same to be paved or repaved, unless a public sewer and water main then exists in said street, the sidewalk thereof, or in an alley adjacent thereto, and with which the property abutting upon the street may make lateral connections. Whenever said commission shall order any street, avenue, highway or alley to be paved, it shall be the duty of every owner of a lot of land along the line of said sewer and water main to construct a lateral pipe or pipes from such sewer and water main to the inside of the curb line fronting such lot of land, and in the event of failure to do so within such time as may be prescribed by the said commission the said commission shall cause the work to be done and the entire expense thereof shall be a lien on the property immediately benefited, and shall be assessed, together with the assessment for pavement, as provided by this act. Whenever said commission shall have determined to pave, grade or regrade or pave or repave any street, avenue, highway or alley, and within twenty days before the work of paving or repaving said street shall be actually commenced, it shall be the duty of said commission to cause to be served upon the person or persons, or some officer or agent of the corporation having a franchise or other authority from the trustees of said village to construct a gas main in the street or other way to be paved or repaved, a notice that said commission intends to pave or repave such street or other way. After such street or other way has been thus paved or repaved, it shall not be lawful for any person, persons or corporation to remove the pavement therefrom, for a period of ten years thereafter, except by a majority vote of "the public improvement commission of the village of Waterford," except to repair some defect or break in sewer pipe, water pipe or gas pipe, and then only by paying to the village of Waterford the amount that it cost the said village to construct the portion of the pavement or repavement to be removed, and such person, persons or corporation shall not remove from said street any greater quantity of pavement or repavement

than the amount actually paid for as aforesaid. Said person or persons or corporation shall also restore said pavement or repavement to its original condition, as nearly as may be and the amount of money paid to the village of Waterford as aforesaid shall be deemed to be paid for the purpose of keeping the part so removed in repair, and shall be so used by said village. It shall be the duty of the trustees of said village to make and promulgate an ordinance providing for the punishment of persons or corporations violating the provisions of this section, by such fine or imprisonment, or both, as the board of trustees is now empowered to provide in the ordinances to be adopted by said body.

Restoration
of pave-
ment.

Ordinances
for viola-
tions.

§ 8. When the grade of a street sidewalk or other way has been heretofore established by a resolution of the board of trustees of the village of Waterford and the street or other way graded accordingly, the grade thereof shall not be changed unless compensation be made all persons and corporations interested in abutting property, which property has been made to conform to such established grade after the passage of said resolution by the board of trustees of the village of Waterford, and no other persons or corporations shall be entitled to any damages for such change of grade. Such damages shall be ascertained in the same manner and the same proceedings taken as provided for ascertaining damages to owners of property to be taken for street purposes as hereinbefore provided, but nothing herein contained shall be construed so as to prevent or delay the change of the grade of any street or other way.

Change of
grades.

Damages
therefrom.

§ 9. After the passage of this act no new streets shall be adopted, laid out, opened or constructed or graded in said village, by said commission unless the same shall be at least sixty feet wide.

Width of
new streets.

§ 10. It shall be the duty of such commission as soon as practicable after their appointment and organization and the completion of the Broad street pavements to cause a map or survey of the entire village of Waterford to be made showing the grades and street lines of said village. In establishing grades for the portion of said village east of the Champlain canal, they shall adopt as a basis for all grades the grade of Broad street as established by the board of Broad street paving commissioners.

Map and
survey of
village.

Estab-
lishment of
grades.

General
plan and es-
timate of im-
provements.

§ 11. Whenever the said commission shall have determined to lay out, alter, widen, straighten, extend, make, open or contract any streets, alleys, lane, highway, sidewalk, park, place or public land, or to pave or cause to be paved or repaved, or graded or regraded, any street, sidewalk or highway or public ground, or to establish or re-establish grades for the same, or to construct any sewer in said village, the said commission shall file in the office of the clerk of said village, a general plan of the work to be done, and the estimated cost thereof; and the said estimated cost thereof shall not be exceeded. Thereupon the said commission shall publish at least twice in a newspaper published in said village a notice to all persons interested in such improvement, appointing a place and time not less than two weeks after the first publication, to hear all persons interested for or against such improvement. Such notice shall precede any other public notice required in the proceedings affecting such improvement, and shall contain a brief description of the improvement proposed, and except as to paving or repaving, a description of that part of the village which in the opinion of said commission will be benefited thereby, together with a statement of what portion of the whole expense, if any, should, in its opinion, be paid by local assessments upon the part so benefited.

Notice to
persons in-
terested.

Plan of sew-
erage and
drainage.

§ 12. It shall be the duty of said commission as soon as practicable after their organization as aforesaid, to cause to be made preliminary surveys and plans for a system of sewerage in and for the eighth ward of said village and an approximate estimate of the expense of said survey, plans and estimates shall be filed with the clerk of the village of Waterford for the inspection of all parties interested. The expense of making said survey, plans and estimate shall be paid from the money to be borrowed by said commission as hereinafter provided when received by them. For the purpose of providing the eighth ward of the village of Waterford with a proper drainage, the said commission may purchase, take and hold in the name of and for the village of Waterford any real estate within the town or village that they may deem necessary, and by their agents or other persons employed may enter upon the lands of any persons or corporations within said town or village and upon any of the streets, highways, roads, alleys or lanes within the town or village aforesaid for the purpose of constructing laying and repairing any pipe,

Acquisition
of land for
drainage.

conduits or other works or appurtenances necessary and proper for the purposes aforesaid, on condition that they shall cause the surface of such streets, highways, roads, alleys and lanes to be relaid and restored to their former condition and all damage done thereto to be repaired, and such right to be continuous for the purpose of repairing and relaying such pipes, conduits and appurtenances upon the like condition.

§ 13. Before entering upon, taking or using any of the lands required for the purposes of providing such system of sewerage or the use or passage through the same, said commission shall cause a survey or map to be made of the same on which the land of each owner or occupant shall be designated, which map shall be signed by the chairman and secretary of said commission and shall be filed in the office of said secretary for the inspection of all persons interested therein and a duplicate thereof in the office of the clerk of the county of Saratoga, and the said commission may at any time or times adopt, modify or reject such map in whole or in part and require others to be made and filed instead thereof.

Survey or
map of
lands
required.

§ 14. In case the said commission shall be unable to agree with any person or persons or corporations owning or having an interest in any such lands for the purchase of the same or the right, use and passage through or other rights required for the purposes of providing such system of sewerage, the said commission may acquire such lands, use and rights in the same manner as hereinbefore in section five provided.

Proceedings
to acquire
land.

§ 15. The said commission shall have power and it shall be their duty to borrow from time to time for the purpose of providing such system of sewerage, upon the credit of said village, a sum not exceeding in the whole eight thousand dollars upon such term of credit, not more than twenty-five years, as shall be deemed for the best interests of said village, and at the rate of interest not exceeding four per centum per annum, and to secure said loan said commission are authorized to issue bonds of said village, signed by the president and secretary of said commission and countersigned by the clerk of said village, who shall attach thereto its corporate seal, which bonds shall be made in amounts of not more than five hundred dollars each and shall be sold in said village to the highest bidder at public auction, but no bonds shall be sold for less than par. The time and place of offering

Issue of
bonds for
sewerage
system.

Sale of
bonds.

said bonds for sale shall be advertised at least fifteen days prior to said sale in one newspaper published in the village of Waterford and in one newspaper published in each of the cities of Troy and Albany. The money so borrowed shall be appropriated by said commission for the purpose of providing drainage for the eighth ward of the village of Waterford and to no other purpose whatever.

Contracts
for labor
and material.

§ 16. The said commission shall have power and discretion to make all necessary contracts for labor and material for the construction of said sewers and to employ agents in service to assist them in relation to all matters pertaining thereto. All contracts exceeding one hundred dollars in amount shall be in writing signed by a majority of said commission. There shall be three originals, one of which shall be given to said contractor, one to be filed with the clerk of said village, and one to be retained by said commission. Public notice shall be given in one newspaper published in said village of Waterford, if there be one, and in such other newspaper at a time and manner as said commission shall direct, at the times and places at which sealed proposals will be received for entering into contracts of amounts exceeding one hundred dollars, and the commission shall have full discretion as to the acceptance or rejection of any and all proposals, and in case at any time any material or labor shall remain uncontracted for, the like notice for sealed proposals and like proceedings may be had as above provided for, and sold from time to time as said commission may direct for work and materials, and every person who shall enter into any written contract for the supply of material or for the performance of any labor, shall give security to said commission for the faithful performance of his contract according to its items.

Connecting
pipes or
sewers.

§ 17. The connecting pipes or sewers leading to buildings or other private premises shall be inserted and kept in repair at the expense of the owner or occupant thereof, and shall not be inserted into or connected with the main sewers laid by said commission until permit therefor shall be obtained from said commission, or some person by them designated, and all such connecting pipe or sewers shall be constructed, connected and maintained in the manner directed by said commission. Any person who shall unlawfully do or cause to be done any act whereby any work, material or property whatsoever erected or used by said

commission or under its control within the village of Waterford or elsewhere for the purpose of providing such system of sewerage shall be in any manner injured or interfered with, such person shall be guilty of a misdemeanor and on conviction thereof shall be punished accordingly.

§ 18. It shall be unlawful for any person, persons or corporation outside the corporate limits of the village of Waterford to connect any lateral drain, sewer or other pipes with the sewers laid by said commission, except upon permission from said commission and the payment of such tax as said commission may deem proper.

Connections with sewer by parties outside of village.

§ 19. The said commission shall annually and on or before the first day April in each year, furnish to the board of trustees of the village of Waterford a detailed statement or estimate of the amount of money deemed necessary by them for proposed public improvements for the ensuing year, which said statement or estimate shall give a brief description, the estimated cost, the amount to be paid by the village at large, and the amount to be paid by abutting and contiguous property-owners for each and every piece of work or public improvement so proposed. The amount or amounts so estimated by said commission as necessary to be paid by the village at large shall be levied and collected by the board of trustees of the village of Waterford in the same manner and together with the money raised for the ordinary expenses of the village, and the amount or amounts so estimated by said commission as necessary to be paid by abutting and contiguous property-owners shall be assessed as provided in section six of this act and collected by the village collector as provided in the village charter for the collection of taxes, but the total amount of money so raised in the village of Waterford for public improvements shall not in any one year exceed one-half of one per centum upon the assessed valuation of said village, except as hereinbefore provided for sewers in the eighth ward of said village, and as hereinafter provided.

Annual estimate of expenses.

Tax and assessment of amount.

§ 20. Whenever said commission shall in their estimate include a sum of money which exceeds one-half of one per centum upon the total assessed valuation of said village, the board of trustees shall cause a special meeting of the taxpayers in said village to be called for the purpose of voting upon the proposition to raise

Special meetings to raise additional sum.

such additional sum. The election shall be held in the same manner as is provided for by the charter of the village of Waterford for the raising of special tax therein.

Public im-
provement
fund.

§ 21. All money raised for public improvements as hereinbefore provided shall be deposited with the village treasurer and be known as the public improvement fund, and shall be paid upon the order of the public improvement commission, certified by warrant signed by the president and countersigned by the secretary of said commission.

Annual re-
port of com-
mission.

§ 22. The said commission shall annually and on or before the first day of April of each year, furnish to the board of trustees of the village of Waterford, a detailed report of all moneys received by them, during the year, the amount expended by them and the purposes for which the same was expended, and the balance on hand. The said report shall be verified by the president and secretary of said commission and shall be filed in the office of the village clerk.

Proviso as
to Broad
street.

§ 23. Nothing in this act contained shall be construed so as to interfere with the powers and duties of the board of Broad street paving commissioners.

§ 24. This act shall take effect immediately.

Chap. 264.

AN ACT authorizing the audit and allowance of the claims of certain persons against the city of New York, for services rendered to the board of education of the city of New York.

Accepted by the city.

Became a law, March 31, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Audit and
allowance
of claim.

Section 1. The board of estimate and apportionment of the city of New York is hereby authorized in its discretion to audit and allow as a charge against the said city of New York, the claims of William G. Kirkland; Charles F. Stone; William C. Hart; M. Beatrice Harrison and Edward F. Wehrum for clerical

services rendered to the board of education of the city of New York in the year eighteen hundred and ninety-nine; provided that said claims shall not exceed in total the sum of three hundred dollars.

§ 2. The comptroller of the city of New York is hereby authorized to pay such said claims as may be audited by the said board of estimate and apportionment, provided that the board of education of the city of New York submits vouchers therefor chargeable to such unexpended balance of appropriation for the year eighteen hundred and ninety-nine as may be applicable to the purpose.

Payment by
comptrol-
ler.

§ 3. This act shall take effect immediately.

Chap. 265.

AN ACT giving authority to the commissioners of the land office to grant and convey to the United States of America, certain lands under water of Lake Erie in the city of Buffalo, and to cede jurisdiction to the United States over said lands under water.

Became a law, March 31, 1900, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Whenever the United States, by any agent authorized under the hand and seal of an executive department of the government of the United States, shall petition to the commissioners of the land office asking that a grant of land under water be made in accordance with the provisions of this act, setting forth the objects for which the grant is desired, and upon filing in the office of the secretary of state of the state of New York a map on tracing cloth showing the lands herein described, the commissioners of the land office may grant, and they are hereby authorized and directed to grant and convey to the United States of America, for a nominal consideration, the lands under water in the city of Buffalo, described as follows:

Authority
to grant
land under
water.

First. A strip of land on the bottom of Lake Erie about four hundred feet wide on which the Buffalo breakwater is built and

First parcel.

being built. The axis of the breakwater is described as follows: A straight line drawn from the center point of the north end to the center point of the south end of the old breakwater; thence to the center point of the north end of the rubble mound and timber crib breakwater; thence in a straight line to the center point of the parapet at the south end of said section; thence in a straight line to a point six feet east of the northwest corner of the Stony Point section; thence south in a straight line six feet from and parallel with the lake or westerly face of said section to the south end of same, all as established, determined and described in the official document establishing the harbor line at Buffalo, New York, approved by the secretary of war March twenty-seventh, eighteen hundred and ninety-nine. The strip of land the grant of which is herein authorized is described as follows: Beginning at the extreme northerly end of the above described axis; thence in a westerly direction at right angles to the axis of said breakwater a distance of two hundred feet; thence in a southerly direction two hundred feet from the axis of said breakwater and parallel thereto a distance of twenty-one thousand two hundred and eighty feet, more or less, to the shore line of Lake Erie at the southern end of the breakwater at Stony Point; thence in an easterly direction along said shore line to the inner or harbor face of said breakwater at its extreme southern end, a distance of two hundred and ten feet, more or less; thence in a northerly direction along the inner or harbor face of said breakwater a distance of nine hundred feet from said extreme southern end of said breakwater; thence in an easterly direction at right angles to the breakwater one hundred and seventy-six feet to a point which is two hundred feet distant from the established axis of said breakwater; thence in a northerly direction two hundred feet distant from and parallel to said established axis a distance of twenty thousand three hundred and eighty feet, more or less, to a point in the line at right angles to the axis of said breakwater at its extreme northerly end; thence westerly along the last described line two hundred feet to the place of beginning.

Second. Three parcels of land on the bottom of Lake Erie, south of the harbor entrance at Buffalo, New York, described as follows:

PARCEL B.

Beginning at the point of intersection of the south line of outer lot thirty-nine prolonged and the shore line of Lake Erie at mean lake level; thence westerly in a prolongation of said south line of lot thirty-nine, one hundred and forty feet, more or less, to the shore line of Lake Erie in eighteen hundred and forty-six; thence southwesterly at right angles with the established harbor line eleven hundred and forty feet, more or less, to the said harbor line; thence northwesterly along said harbor line thirteen hundred and ten feet, more or less, to the point of intersection of said harbor line and a line at right angles thereto passing through the point of intersection of the shore line of Lake Erie in eighteen hundred and forty-six and a line three hundred and thirty feet northerly, at right angles from and parallel with the south line of outer lot thirty-six; thence northeasterly at right angles with said harbor line eleven hundred and fifteen feet, more or less, to the shore line of Lake Erie in eighteen hundred and forty-six; thence easterly parallel with and three hundred and thirty feet northerly at right angles from the south line of lot thirty-six, and along the north line of lands deeded to the United States government September twenty-fifth, eighteen hundred and forty-seven, one hundred and forty feet, more or less, to the shore line of Lake Erie; thence southeasterly along said shore line of Lake Erie at mean lake level thirteen hundred and twenty feet, more or less, to the point of beginning, containing thirty-seven and one-half acres, more or less.

PARCEL C-B.

Beginning at the point of intersection of the shore line of Lake Erie at mean lake level with the northerly line of lands deeded to the United States government, October twenty-first, eighteen hundred and forty-six, said line also extending in a due east and west direction and passing through the northwest corner of outer lot thirty-six, said point of beginning being also two hundred and sixty feet, more or less, west of the said northwest corner of outer lot thirty-six; thence southeasterly along said shore line of Lake Erie at mean lake level three hundred and seventy feet, more or less, to a line three hundred and thirty feet northerly at right angles from and parallel with the south line of lot thirty-six,

said line being also the north line of lands deeded to the United States government September twenty-fifth, eighteen hundred and forty-seven; thence westerly along said last described line one hundred and forty feet, more or less, to the shore line of Lake Erie in eighteen hundred and forty-six; thence southwesterly at right angles to establish harbor line eleven hundred and fifteen feet more or less, to the established harbor line; thence northwesterly along said harbor line four hundred and sixty-five feet, more or less, to the point of intersection of said harbor line and a line at right angles thereto passing through the point of intersection of the shore line of Lake Erie in eighteen hundred and forty-six and the line extending in a due east and west direction and passing through the northwest corner of outer lot thirty-six; thence easterly at right angles to established harbor line eleven hundred and fifteen feet, more or less, to the shore line of Lake Erie in eighteen hundred and forty-six; thence east on the line extending in a due east and west direction and passing through the northwest corner of outer lot thirty-six, two hundred and twenty feet, more or less, to the point of beginning, containing thirteen and one-half acres, more or less.

PARCEL D.

Beginning at the point of intersection of the shore line of Lake Erie at mean lake level with the line extending in a due east and west direction and passing through the northwest corner of outer lot thirty-six, said point of beginning being also two hundred and sixty feet, more or less, west of the said northwest corner of outer lot thirty-six; thence west on last described line two hundred and twenty feet, more or less, to the shore line of Lake Erie in eighteen hundred and forty-six; thence southwesterly at right angles with the established harbor line eleven hundred and fifteen feet, more or less, to the established harbor line; thence northwesterly along said harbor line eleven hundred and sixty feet, more or less, to the northerly extremity of said harbor line; thence northeasterly at right angles to said harbor line three hundred feet, more or less, to the northwest corner of the United States government south pier; thence southerly at right angles with north face of said United States government south pier to the southwest corner of said pier; and thence easterly and southeasterly following the southerly bounds and outer slope of said south pier a total dis-

tance of about twelve hundred and thirty feet to a point where the outer slope of said south pier is intersected by the shore line of Lake Erie at mean lake level; thence southeasterly along said shore line of Lake Erie five hundred and seventy feet, more or less, to the point of beginning, containing twenty-two and two-tenths acres, more or less. Provided however that as to the parcels E and C-B, the proceedings to be had and taken before such grant or grants are made shall in all respects conform to the provisions of article five of the public lands law and to the rules and regulations of the commissioners of the land office in relation thereto, anything herein contained to the contrary notwithstanding.

§ 2. Upon issuing of letters patent to the United States of America for the lands under water described in section one of this act, the jurisdiction of the state of New York in and to said lands under water shall be considered as ceded to the United States of America, as hereinafter provided. Jurisdiction of state ceded.

§ 3. Said jurisdiction so ceded, shall be upon the express condition that the state of New York shall retain a concurrent jurisdiction with the United States in and to the lands under water granted, so far as that of civil and criminal process, which may issue under the laws of authority of the state of New York, may be executed thereon, in the same way and manner as if such jurisdiction had not been ceded, except so far as such process may affect the real or personal property of the United States. Concurrent jurisdiction with the U. S.

§ 4. The said property shall be and continue forever thereafter exonerated and discharged from all taxes, assessments and other charges which may be levied or imposed under the authority of this state, and the jurisdiction hereby ceded and exemption from taxation hereby granted, shall continue in respect to said property so long as the same shall remain the property of the United States, and no longer. Exemption from taxation.

§ 5. This act shall take effect immediately.

Chap. 266.

AN ACT to amend chapter six hundred and ninety of the laws of eighteen hundred and ninety-two, entitled "An act in relation to insurance corporations, constituting chapter thirty-eight of the general laws" relating to title and credit guaranty corporations.

Became a law, April 2, 1900, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and seventy of chapter six hundred and ninety of the laws of eighteen hundred and ninety-two, entitled, "An act in relation to insurance corporations, constituting chapter thirty-eight of the general laws" is hereby amended so as to read as follows:

§ 170. Incorporation.—Five or more persons may form a corporation for either one or the other of the following purposes:

I. To examine titles to real property and chattels real, to procure and furnish information in relation thereto, make and guarantee the correctness of searches for all instruments, liens or charges affecting the same; and guarantee or insure bonds and mortgages and the owners of real property and chattels real and others interested therein against loss by reason of defective titles thereto and other incumbrances thereon, which shall be known as a title guaranty corporation; or,

II. To guarantee and indemnify merchants, traders and those engaged in business and giving credit from loss and damage by reason of giving and extending credit to their customers, and those dealing with them, which shall be known as a credit guaranty corporation, by making, acknowledging and filing a certificate stating:

1. The name of the proposed corporation.
2. The kind of corporation to be formed and its purposes.
3. The amount and description of the capital stock.
4. The location of its office.
5. The duration of the corporation, not exceeding fifty years.

No credit guaranty corporation shall be formed for the transaction of business in this state with a smaller capital than one

hundred and fifty thousand dollars. No title guaranty corporation shall be formed with a smaller capital than one hundred and fifty thousand dollars or with a larger capital than two million dollars, which shall be divided into shares of one hundred dollars each. Such certificate shall be filed in the office of the superintendent of insurance, who shall thereupon issue a license to the persons making such certificate, empowering them as commissioners to open books of subscription to the capital stock of the corporation at such times and places as they may determine.

§ 2. This act shall take effect immediately.

Chap. 267.

AN ACT to amend chapter eighty-four of the laws of eighteen hundred eighty-six entitled "An act to incorporate the city of Jamestown," and the several acts amendatory thereof.

Accepted by the city.

Became a law, April 2, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of title two of said act, as amended by chapter two hundred and fifty-two of the laws of eighteen hundred and eighty-eight, as amended by section two of chapter four hundred and ninety-six of the laws of eighteen hundred and ninety-five, as amended by section one of chapter two hundred and thirty-one of the laws of eighteen hundred and ninety-eight, is hereby amended to read as follows:

§ 1. The officers of said city shall be a mayor, clerk, overseer of the poor, police justice, four justices of the peace, three assessors, one sealer of weights and measures, four constables, one game constable, who shall be elected by the city at large. There shall also be elected in said city, at the next election in said city when supervisors are elected, three supervisors one of whom shall be elected from the first, and second wards hereinbefore described, one shall be elected from the third, and sixth wards herein-

Charter amended.

Elective officers.

Supervisors.

before described; and one shall be elected from the fourth and fifth wards hereinbefore described. There shall also be elected in said city twelve aldermen. Two aldermen shall be elected by the electors of each ward. The mayor shall nominate and the common council shall confirm a treasurer, city engineer, city attorney, street commissioner, fire warden, pound-master, chief of police, and a sufficient number of policemen and special policemen to properly protect the city. Also there shall be in the said city a board of public works consisting of three members, who shall be nominated by the mayor and confirmed by the common council. In case the common council neglect or refuse to confirm any nomination made by the mayor at the meeting at which it is made, or at the next regular meeting, he shall, at the next regular meeting succeeding such final neglect or refusal to confirm, name and nominate some other person, and shall continue to do so, from time to time, until the nomination last made shall be confirmed. Every appointive or elective officer of said city shall hold his office although his term as prescribed by this act shall have expired, until his successor shall be elected or appointed and shall have qualified. Any appointive officer may be removed by the common council for cause upon charges preferred, giving such officer reasonable notice thereof and a reasonable opportunity to be heard, and such officer may be suspended by the common council pending such investigation. The compensation of members of the board of public works, or of any of them, shall be fixed, altered or discontinued by the common council, from time to time, as it shall deem the best interests of the city require, and the officers of the city whose terms, in pursuance of the law under which they were chosen would expire on the first Tuesday in May, shall expire on the first Tuesday of the preceding April.

§ 2. Section four of title two of said act is hereby amended to read as follows:

§ 4. Every inhabitant of said city who shall at the time and place of offering his vote be qualified to vote for member of assembly, shall be then and there entitled to vote for all officers to be elected by the city at large, and for all ward officers to be elected by his ward. Every such inhabitant of either the first, or second ward of said city shall also be entitled to vote in the ward in which he resides for a supervisor of said wards,

and every such inhabitant of either the third, or sixth ward in said city shall also be entitled to vote in the ward in which he resides for a supervisor of said wards, and every such inhabitant of either the fourth or fifth ward in said city shall also be entitled to vote in the ward in which he resides for a supervisor of said wards.

§ 3. Section eleven of title two of said act is hereby amended to read as follows:

§ 11. One of the aldermen elected in each ward at the first election under this act shall hold office one year only. At the first meeting of the common council after such election, it shall be determined by lot which alderman from each ward shall hold office one year and which two years. At each annual election thereafter one alderman shall be elected in each ward, who shall hold office for two years. The mayor shall receive an annual salary of five hundred dollars in full for his services under this act, to be paid to him in monthly installments. Each of the aldermen shall receive three dollars for every regular or stated meeting of the common council attended by him, not exceeding fifty-two such meetings in any one year, to be paid monthly.

Election of aldermen.

Salary of mayor and aldermen.

§ 4. Section twelve of title two of said act, as amended by chapter one hundred thirty-four of the laws of eighteen hundred and ninety is hereby amended to read as follows:

§ 12. No two assessors shall be residents of the same ward. The compensation of each assessor shall be three dollars per day while actually engaged in the duties of his office, but the total amount of his compensation shall not exceed, four hundred dollars in any year.

Assessors.

§ 5. Section thirteen of title two of said act is hereby repealed.

Repeal.

§ 6. Subdivision fifty-nine of section nine of title three as amended by chapter one hundred thirty-four of the laws of eighteen hundred and ninety is hereby amended to read as follows:

§ 9. To designate a newspaper printed in said city, to be known as the official paper, in which shall be published all its ordinances, rules, regulations, by-laws, official notices and proceedings, including the mayor's message, and both majority and minority reports submitted.

Official newspaper.

§ 7. Section six of title four of said act, as amended by chapter one hundred thirty-four of the laws of eighteen hundred and ninety, as amended by chapter two hundred thirty-one of the

laws of eighteen hundred and ninety-eight, is hereby amended to read as follows:

City clerk,
his duties.

§ 6. The clerk of said city shall have the custody of the seal, records, books and papers thereof, except as otherwise provided by this act; he shall attend all its meetings and act as clerk for the common council; and he shall record all ordinances, rules, regulations, by-laws, resolutions and proceedings of the common council, and the proceedings at elections and meetings of the inhabitants of said city; he shall, under the direction of the common council, correct all clerical errors in the assessment-rolls of said city relating to the description or valuation of property. The books and papers in his office shall be produced on reasonable demand for the inspection of any elector of said city, and, upon the like demand and tender of fees at the rate of ten cents per folio therefor, he shall furnish a copy of any paper or record filed or kept with him as such clerk. His office is hereby declared a town clerk's office for the purpose of depositing, filing and entering of records therein all books and papers required by law to be deposited, filed or entered of record in a town clerk's office, and he shall possess the power, discharge the duties and receive the fees of a town clerk. He shall keep an accurate account of all moneys received by him belonging to the city, and shall, forthwith after the receipt by him of any such moneys, pay the same to the treasurer, for which he shall take a receipt from such treasurer, and file the same in his office, and have all such receipts ready at all times for examination by the common council or by any member thereof. He shall countersign all licenses granted by the common council, and all warrants drawn upon the treasurer for the payment of moneys belonging to the city, and shall keep accurate memoranda of all such licenses and warrants in separate books, to be provided by the city for that purpose, specifying in the book of warrants the number of each warrant, the purpose for which and the date of the resolution upon which it was issued, and in the book of licenses the date of each license, to whom granted, for what time and purpose, and the amount paid therefor. He shall also keep such other books as may be required by this act or by the common council. He shall, if required so to do by the common council, report in writing to each regular meeting thereof, the amount of all orders drawn on the several funds in the hands

Fees for
copies of
records.

Filing and
recording
of papers.

Accounts
and pay-
ments to
treasurer.

Duty as to
licenses and
warrants.

Reports to
council.

of the treasurer since the last regular meeting of the common council, and the unexpended balance of each of said funds. His salary shall be nine hundred dollars per year and shall be payable monthly. In case of his absence from any of its meetings, or of his inability or neglect to discharge all the duties of the office, the common council may designate a person to discharge the duties of clerk, and provide for his compensation; and the common council shall also have power to appoint a person to perform the duties from time to time and to provide for his compensation, whenever he or any person so appointed shall, from absence, inability or neglect, fail to perform the duties of said office. Any such person so appointed shall possess all the powers and discharge all the duties of clerk during such absence, inability or neglect, and shall be known as acting clerk.

Salary.

Acting clerk in case of absence.

§ 8. Section eight of title four of chapter eighty-four of the laws of eighteen hundred and eighty-six, as amended by chapter one hundred and thirty-four of the laws of eighteen hundred and ninety, and as amended by chapter two hundred thirty-one of the laws of eighteen hundred and ninety-eight is hereby amended to read as follows:

§ 8. The territorial jurisdiction of the police justice shall be co-extensive with the boundaries of the city, but his mandate may, upon being properly endorsed, be executed at any place within this state. He shall have the same power and jurisdiction for the arrest and examination of offenders, of summary trials and convictions, and of special proceedings of a criminal nature, except proceedings in bastardy, in all cases arising in said city, either under the common law, the statute law of the state, including this act or the ordinances and by-laws of the city, as is conferred by law upon justices of the peace of towns, to the exclusion of all magistrates not officers of a court of record, except as otherwise provided by this act. He shall also have power to hear try and determine all charges of misdemeanor alleged to have been committed within the said city, except the charge of conspiracy. Such trials shall be conducted in like manner as trials in courts of special session, and such criminal actions may be removed from the jurisdiction of the police justice in the manner now provided by law for the removal of actions from courts of special sessions. An appeal from the

Police justice, his jurisdiction and powers.

Trial of misdemeanors.

Appeal from police court. police court of said city may be had in the same manner provided by law for appeals from courts of justices of the peace and from courts of special sessions. Whenever a defendant, tried before the said police justice, shall be convicted, said police justice shall render judgment upon such conviction and shall inflict such punishment by fine and imprisonment, or both, as any court of record may render and inflict in a like case, as provided by law. In case of absence or inability to act of the police justice, any justice of the peace of said city designated by the common council for that purpose, shall perform the duties (and receive the salary) of such police justice during such absence or inability; but such justice of the peace shall not have jurisdiction to examine or try any person for an offense not cognizable by courts of special session, except that in case any warrant issued by said police justice shall be returned during his absence or inability, all further proceedings thereon may be had before such justice of the peace. In signing process, such justice of the peace shall add to his official title "acting police justice." The common council may provide for the compensation of the acting police justice for performing the duties of the police justice in case of his absence or inability. The police justice, or justice of the peace acting as police justice, may commit any person convicted by or before him of a criminal offense to imprisonment in the Erie county penitentiary at Buffalo, and all fees of officers for executing such commitment shall be chargeable to the county of Chautauqua. Such police justice shall demand, receive and impose, in all actions and proceedings before him, and for all services rendered by him, the costs, fees and fines which may be by law demanded, received or imposed by courts of special sessions and by justices of the peace, in like actions and proceedings and for like services; and all such costs, fees and fines, as well as all other moneys received by him as such police justice shall belong to the city of Jamestown. He shall, on the first day of every month during his official term, Sundays excepted, pay to the treasurer all moneys received by him during the previous month belonging to the city, and take the treasurer's receipt in duplicate therefor; and he shall, at the first regular meeting of the common council thereafter, render and present to it an itemized account of all such moneys, together with one of the duplicate receipts. He shall keep an account of all services performed by

Judgment upon conviction.

Acting police justice.

Commitments.

Costs, fees, etc.

Monthly payments to treasurer.

him and by any member of the police force of said city which, if performed by a justice of the peace or a constable, would be chargeable to the county of Chautauqua, and shall present annually to the board of supervisors of said county an account of such services in the form and within the time required to have the same audited by said board of supervisors, and the same shall be audited by it to the city of Jamestown, levied and collected in the same manner as other county charges, and paid to the said city treasurer for the use of said city, who shall forthwith thereafter deliver to the common council and file with the clerk a receipt therefor. For any neglect of such police justice to make such report or pay over such moneys, as required by this section, without showing a satisfactory excuse therefor to the common council, it may remove him from office. In addition to the powers hereinbefore conferred upon said police justice, he shall have the same power and authority to administer oaths and take affidavits and, on filing with the clerk of Chautauqua county a certificate under the seal of said city, signed by the city clerk, of his election and the filing of his oath of office, to take the acknowledgments of deeds and other instruments with which justices of the peace in towns are now invested, and shall be entitled to charge and receive the same fees therefor, except from persons acting for or in the business of said city. Said police justice shall keep his office in a central part of the city, at a place to be approved by the common council. It shall be his duty to attend at his office at all reasonable hours of the day, and to hear all matters within his jurisdiction. He shall enter in a book to be furnished by the city, a record of the several complaints made before him, upon which a warrant or other process for the arrest of any person accused shall be granted, and in all cases where the offender or person accused shall be brought before him without process, which record shall contain, under the proper date, the names of the parties, a brief statement of the nature of the offense charged, the name of the officer arraigning the accused, the action of the police justice thereon, and an accurate account of all fines penalties and costs imposed and collected by him, or which may be ordered to be paid by any offender. Such books shall be open for inspection to the public at all reasonable hours, and the contents thereof may be proved, in any action brought in any court, in like manner and with the

Accounts
against
county.

Removal
from office.

Power to
administer
oaths, etc.

Office and
business
hours.

Record of
complaints,
arrests, etc.

Salary.

Powers to
let to bail.

same effect as the docket kept by a justice of the peace in a civil action. Said police justice shall not receive for his own benefit any fee for services under this act, but he shall receive an annual salary of one thousand dollars to be paid monthly. In addition to the powers hereinbefore conferred upon the said police justice, he shall have power to let to bail persons charged with crime before him in all cases of misdemeanor and in all cases of felony when the imprisonment of any such person on conviction cannot exceed five years; and in case of the absence from the said city of a justice of the supreme court, and of the county judge, and of the special county judge of said county, or the inability of either of them to act, the said police justice shall have the same power to let to bail as a county judge of said county of Chautauqua.

§ 9. Subdivision three of section four of title five of said act, as amended by section nine of chapter four hundred ninety-six of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

Application
of excise
moneys.

3. The moneys, collected and received by the treasurer of said city under the provisions of the liquor tax law, or for the granting of licenses for the sale of intoxicating liquors shall be by him placed into a fund to be known as the poor fund, to be used for the defraying of the expenses of local relief to the poor of said city, or in such manner as may be hereafter provided by law for the appropriation and expenditure of sums received for the granting of licenses for the sale of intoxicating liquors, and any portion of such moneys not otherwise specifically appropriated by law may be applied to the ordinary expenses of the city. The common council shall have the power, and it shall be its duty to raise by tax, in each year, such further sum, as may in its opinion be necessary in addition to the moneys collected, received and paid under the provisions of the liquor tax law or for the granting of licenses for the sale of intoxicating liquors, into the poor fund, to defray the expense for the local relief of the poor of the said city by the overseer of the poor and for no other purposes.

Tax for
poor fund.

§ 10. Section fifteen of title five of said act is hereby amended to read as follows:

Notice of
receiving
taxes.

§ 15. Upon receiving any tax-roll and warrant the treasurer shall forthwith give notice in the official paper that the same

has been delivered to him for collection, stating the character of the tax or taxes therein contained, and that for thirty days from the date of such notice every person may pay his tax to said treasurer for thirty days without any fees thereon, and that for thirty days thereafter with one per centum fees thereon, and that for thirty days succeeding five per centum will be collected. Said notice shall designate the treasurer's office as the place where such taxes shall be received, at which place the treasurer shall attend as in this act provided. If any such tax shall remain unpaid at the expiration of the thirty days last mentioned, the treasurer shall forthwith give a written or printed notice to the person against whom such tax remains charged, which shall require said person to pay the same to the treasurer at his office within ten days from the date of such notice, with five per centum fees thereon. Said notice shall be served personally on such person at least three days before the expiration of the time mentioned in said notice for such payment, or by leaving the same either at his place of residence with some person of suitable age and discretion, or at the post office in said city, properly inclosed in a post-paid wrapper, directed to him, at least five days before the expiration of such time. For persons not resident within said city, the deposit of such notice in the post office in said city, properly inclosed, post-paid and directed to them at their respective reputed places of residence at least eight days before the expiration of such time, shall be sufficient service. Said notices shall be served by the treasurer or by some person designated by him, and the affidavit of the person making such service, of the service of any such notice, in the manner herein provided, shall be sufficient evidence of such service in all courts and places; and such service of said notice shall be a full compliance with the statute which requires a collector to call at least once on the person taxed, or at the place of his usual residence, and demand payment of the taxes charged to him on his property.

Notice to
pay taxes.

Service of
notice.

§ 11. Section sixteen of title five of said act, as amended by the several acts amendatory thereof is hereby repealed.

Repeal.

§ 12. Section seventeen of title five of said act is hereby amended to read as follows:

§ 17. The treasurer shall prepare separate accounts of all unpaid city and school taxes in the manner required by law of town collectors, which he shall certify by compari-

Accounts of
unpaid city
and school
taxes.

son with the assessment-roll and certify to be correct. The treasurer shall deliver such account of unpaid city taxes to the common council which shall be filed with the city clerk, and such account of unpaid school taxes to the board of education of said union free school district, which shall be filed with the clerk thereof, and he shall have the proper credits therefor. The common council shall have the power to add the amount of such unpaid city taxes, together with interest thereon at the rate of ten per centum per annum, to the annual city tax the succeeding year, and charge the same upon the real estate upon which it was originally assessed, and the same proceedings may be had for the collection thereof in all respects and with like effect as in the case of other city taxes for the then current year. The board of education of the said union free school district shall have power to add the amount of such unpaid school taxes, together with interest thereon at the rate of ten per centum per annum, to the annual school tax the succeeding year, and charge the same upon the real estate upon which it was originally assessed, and the city treasurer shall have the same power in relation to the collection thereof as is conferred upon him by this act with respect to the collection of other school taxes for the then current year.

Addition of
amount to
city tax.

Addition of
amount to
school tax.

Repeal.

§ 13. Section nineteen of title five of said act is hereby repealed.

§ 14. Section twenty-one of title five of said act as amended by section seven of chapter two hundred and thirty-one of the laws of eighteen hundred and ninety-eight is hereby amended to read as follows:

Sale of land
for taxes.

§ 21. On the first Tuesday after the first Monday of January in each year the city treasurer shall proceed to advertise and sell all lands upon which any city or school tax; or any tax for building or repairing any sidewalks, curbstones, gutters or culverts; or any tax for any public improvement shall be unpaid upon any tax or assessment-roll in the hands of the treasurer of said city; the said treasurer shall proceed to publish and sell such lands in the manner hereinafter provided, for the payment of such taxes and the interest thereon at the rate of eight per centum per annum thereon, and the expense of such sale. The expense of publishing the lists of lands and notice of sale, and conducting the sale shall be charged on the land mentioned in such lists.

§ 15. Section twenty-two of title five of said act as amended by section seven of chapter two hundred and thirty-one of the laws of eighteen hundred and ninety-eight is hereby amended to read as follows:

§ 22. Said city treasurer shall after the Tuesday after the first Monday in January in each year, cause to be published, once in each week for six successive weeks in the official paper of said city, a list or statement of all the lands in said city charged with such tax and interest and so liable to be sold, with a notice that so much of the said lands as may be necessary to discharge the taxes, interest and other charges which may be due thereon at the time of sale, will on a day to be specified in such notice, and the succeeding days be sold at public auction at the city hall in the city of Jamestown. All expenses of printing and publishing such list or statement and notice shall be audited by the common council of the said city and paid out of the city treasury. The publishers of such official paper shall, within twenty days after the last publication thereof deliver to the city treasurer an affidavit of the due publication thereof made by some person to whom the fact of such publication shall be known.

List of
lands and
notice of
sale.

Expenses of
sale.

Affidavit of
publication.

§ 16. Section forty-five of title five of said act as amended by section seven of chapter two hundred and thirty-one of the laws of eighteen hundred and ninety-eight is hereby amended to read as follows:

§ 45. The charge to be added to the taxes, commissions and interest upon each parcel of land sold, or advertised for sale, by virtue of the provisions of this act shall be the actual cost of the obtaining of a description of the land, the advertising and the expense incurred thereon in conducting the sale.

Charge to
be added to
taxes, etc.,
upon land
sold.

§ 17. Section thirteen of title seven of said act as amended by chapter one hundred thirty-four of the laws of eighteen hundred and ninety is hereby amended to read as follows:

§ 13. The common council shall have power to construct public improvements not exceeding in cost two thousand dollars, without advertising for bids or letting contracts for the same, and shall have power to construct public improvements exceeding in cost two thousand dollars by direct municipal supervision, provided bids for the construction of such improvements shall have been advertised for and deemed unsatisfactory by the common

Power of
council to
construct
improvements.

council: But the common council shall not, under the power conferred by this section, construct public improvements in said city by direct municipal supervision to exceed in cost five thousand dollars in any one year. Any work or construction exceeding in cost two thousand dollars, shall, before any contract is let or work done, be advertised by said board for bids, with the power to reject any and all bids received. The bids approved by said board, and all bids received, shall be referred to the common council, and no contract shall be entered into without the approval of said common council. When so approved, said board may enter into a contract in the name of the city for the construction of any such work. Every such contract shall be executed in triplicate, one of which shall be filed with the clerk. The person or persons entering into any such contract shall execute a bond to the city for the faithful performance of the same, to be approved by the board of public works and by the common council. It shall be the duty of the said board to either approve or disapprove in writing every claim for any such work or construction presented to the common council for audit. If disapproved said board shall give its reasons therefor.

§ 18. Section sixteen of title seven of said act as amended by chapter one hundred thirty-four of the laws of eighteen hundred and ninety is hereby amended to read as follows:

§ 16. After the completion of any contract work, or after the completion of any sewer in any street or alley in said city, and acceptance thereof by the common council, such improvement shall be under the control of the common council, which shall, in case of sewers, have power to compel by ordinance any person or persons to connect with the same, and to prescribe fines and penalties for failure, neglect or refusal so to do, and to provide for the enforcing of such ordinances, and the collection of such fines and penalties, and it shall also have power to prescribe and enforce all rules and regulations regarding the use of such sewers and connections therewith. Upon the completion of any sewer in any street or alley in said city, the board of public works shall make all connections with the said sewers and extend the same to the curb of the street, or to the place where the curb shall be laid if there is no curb upon the street at the time. The board of public works shall charge the cost and ex-

Contracts.

Contractor's bond.

Approval, etc., of claims for work.

Control of improvements after completion.

Sewers and connections.

pense of making such connections with the sewer and extending the same as aforesaid, to the owner of the lot or plot of land to which it has been extended. When the amount of the cost and expense of making such connections with the sewer in any street or alley, and the extension of the same to the curb as aforesaid, has been ascertained, the owners of the lots or plots of land on said street or alley to which such sewer connections have been extended, shall have a day or days for hearing upon the review of such cost and expense at such time and place in the city of Jamestown, as said board of public works shall by resolution determine, at which time and place all persons affected by the making of any such connection on said street or alley, may appear before said board of public works, and show cause as to the correctness of such cost and expense. The said board of public works shall give public notice of such hearing, by publishing a notice signed by said board, or a majority thereof, in the official paper for one week prior to the time of such hearing, stating the time and place thereof. The said board of public works shall have authority to administer oaths to all persons appearing or persons produced as witnesses, to subpoena such person or persons as they shall deem advisable and to administer oaths to all such witnesses, and examine them at length in regard to the matter pending. Said board shall have power to adjourn from time to time, to be the judge of its own proceedings and the manner of conducting the same, and when it shall have heard all persons feeling aggrieved by the said cost and expense, and shall have made a determination thereof, it shall certify the result to the common council by duplicate certificates, and if approved by said common council one of said certificates shall be filed with the city clerk, and one with the city treasurer. Within sixty days after the filing of said certificates, with the approval of the common council, any person, who is adjudged thereby to pay a certain amount for the making of such connection, may pay the amount so adjudged to be paid. The common council shall have the power and it shall be its duty, annually thereafter, at the time of levying the annual taxes in and for said city, to levy the amount of such cost and expense as charged against such land, and the owner and owners thereof that shall be required to pay any portion of such cost and expense, and the same shall be col-

Expense
of connec-
tions.

Hearing
upon
review of
expense.

Notice of
hearing.

Powers of
board upon
hearing.

Payment of
amount
adjudged.

Levy and
collection
of amount.

lected and enforced as other taxes are collected and enforced in said city.

§ 19. Section twenty of title seven of chapter eighty-four of the laws of eighteen hundred and eighty-six, as amended by chapter one hundred thirty-four of the laws of eighteen hundred and ninety, and as further amended by chapter one hundred and twenty-one of the laws of eighteen hundred and ninety-four, and as further amended by chapter four hundred and ninety-six of the laws of eighteen hundred and ninety-five, and as further amended by chapter eight hundred and fifteen of the laws of eighteen hundred and ninety-six, and as further amended by section ten of chapter two hundred twenty-one of the laws of eighteen hundred and ninety-eight, is hereby amended to read as follows:

Paving of
streets.

§ 20. No street, alley or highway in said city shall hereafter be paved, except upon a written petition to the common council of said city, signed by a majority of the residents of said city owning land abutting upon the street, alley or way, or the portion thereof proposed to be paved, and owning a majority of the number of lineal feet upon the street, alley or way or portion thereof proposed to be paved owned by residents of said city. Where residents and non-residents of the city own real estate jointly, or as tenants in common, the share of the residents shall for all purposes of this act, be deemed to be such a portion of the feet front of the land so jointly owned, as their share bears to the whole so owned jointly or as tenants in common. Upon the presentation of such a petition to the common council, it shall proceed to consider the same, and if by resolution it shall determine to grant the such petition, the same shall be referred to the board of public works of said city, who shall report to the common council at their earliest convenience the kind of paving to be used, and the manner of construction. The board of public works shall, upon the approval of the common council of their report thereon enter into a contract in the name of the city, to be first approved by the common council, for the construction of such paving so petitioned to be done; but said board must, before making such contract, advertise for bids for constructing the same, if the estimated expense thereof shall exceed two thousand dollars. The cost of constructing such pavement shall be borne as follows: The city at large shall pay the cost of paving the street intersections, less the

Contracts
for work.

Apportion-
ment of
cost.

amount thereof which any street or surface railroad shall by law be compelled to pay, and for that purpose when the cost thereof in any one year does not exceed five thousand dollars the common council may, in its discretion, levy and assess the same, or any part thereof against the taxable property and inhabitants of said city, and shall collect and enforce such tax as other taxes are collected. And the said common council may issue the bond or bonds of the city, from time to time, and in such amount as shall be necessary to pay the cost of paving such intersections less the amount thereof levied in the annual tax, and less the amount thereof which any street or surface railroad shall by law be compelled to pay, to be sold at not less than par, which bonds shall be made payable not more than ten years from the date of issue, bearing interest at the rate of not more than four per centum per annum, payable semi-annually, to be signed by the mayor of the city, attested by its clerk, and countersigned by its board of public works, or a majority of them, countersigned by the treasurer of said city, and sealed with the seal of the city; and every such bond so issued shall be a legal and valid obligation of the city of Jamestown. The balance of the cost of construction of such paving, less the amount provided by law for any street or surface railroad to pay which may run through or along any street paved, shall be paid by the real estate abutting upon the street or portion thereof paved, and the owner or owners thereof, according to the feet frontage, the property on each side paying one-half thereof. The amount which the owner or owners shall pay on each piece of property abutting upon any street or way, or portion thereof paved, shall be determined in accordance with this act by the board of public works, approved by the common council, by the certificate of said board in writing, to be filed, after first being approved by the common council, with the city clerk and city treasurer. But before such filing and approval by the common council, the board of public works shall, after completing and determining the amount which each piece of abutting property, as well as the owner and owners, shall pay, shall have a day or days for hearing upon the review of such assessment, at such time and place in the city of Jamestown as said board shall by resolution determine, at which time and place all persons affected by such assessment and paying tax may appear before said board of pub-

Issue of
bonds for
city's share.

Payments
by owner

Hearing
upon
review of
assessment.

Notice of
hearing.

Power of
board.

Payment
of amount
adjudged.

Payments
in install-
ments.

lic works and show cause as to the correctness of such tax. The board of public works shall give public notice of such hearing upon such tax by printing a notice signed by said board, or a majority thereof, published in the official paper for one week prior to the time of such hearing, stating the time and place thereof. Said board of public works shall have authority to administer oaths to all persons appearing, or persons produced as witnesses to subpoena such person or persons as they shall deem advisable, and to administer oaths to all such witnesses, and examine them at length in regard to the matter pending. Said board shall have power to adjourn from time to time, be the judge of its own proceedings and the manner of conducting the same, and when it shall have heard all persons feeling aggrieved by such assessment, and shall have made a determination thereof, it shall certify the result to the common council by a certificate as hereinbefore mentioned, and if approved by the said common council, it shall be filed as hereinbefore provided. Within sixty days after the filing of said certificate, and its approval by the common council, any person who is adjudged thereby to pay a certain amount for such paving, and any street or surface railroad company, that shall by law be adjudged to pay any amount for such paving, may pay the whole or any part thereof within said number of days. The balance thereof shall be due and payable from each person owning land abutting upon the street or way paved, and from each and every street or surface railroad company required by law to pay any portion of the expense of such paving, in ten equal annual installments bearing interest at the rate of six per centum per annum and the same shall be a valid existing lien against the land upon which it is charged, and against any street or surface railroad or railroads upon which it is charged, where such paving is done. But any person owning land abutting upon the street or way paved, and any street or surface railroad company required by law to pay any portion of the expense of such paving may pay at any time all of the said installments that remain unpaid together with interest thereon to the time when the last of said installments shall become due and payable at the same rate per centum per annum that is required to be paid by the city of Jamestown in the certificates that may have been issued by the said city to secure the payment thereof as hereinafter provided. The common council shall have the power, and it shall be its duty

annually thereafter, at the time of levying the annual taxes in and for said city to levy the installments and interest due and payable that year as charged against such land and the owner or owners thereof, and against each and every street or surface railroad company that shall by law be required to pay any portion of the expense of said improvement, and the same shall be collected and enforced as other taxes are collected and enforced in said city. Nothing in this section shall be construed to invalidate or interfere with any proceedings taken by or on behalf of said city to pave any street or streets or portions thereof. Any street or surface railroad company that shall by law be liable to pay any portion of the expense of such paving shall be required to pay for any paving hereinbefore provided. And the common council shall have the power to issue the certificate or certificates of indebtedness of the city in such sums as may be necessary to pay that portion of the cost of paving which abutting property and the street or surface railroads are or hereafter may be required to pay for streets hereafter paved, bearing interest at not more than five per centum per annum, payable not more than ten years from the date of issue, and to be sold at not less than par. The moneys assessed and collected for installments and interest charged against the abutting property and the owner or owners thereof, and against each and every street or surface railroad company liable to pay any portion of the expense of such pavement, shall be used in paying said certificates of indebtedness and for no other purpose.

Levy and collection of installments.

Proviso.

Issue of certificates of indebtedness.

Payment of certificates.

§ 20. Title seven of chapter eighty-four of the laws of eighteen hundred and eighty-six, as amended by chapter one hundred and thirty-four of the laws of eighteen hundred and ninety, and the several acts amendatory thereof is hereby amended by adding thereto two new sections, which shall read as follows:

Title amended.

§ 26. The cost and expense of engineering and inspection in the course of construction of all public improvements constructed in said city shall be borne and paid by the city at large.

Cost of engineering and inspection.

§ 27. There shall not be charged any fees or commissions for the collection of any paving tax, or tax or assessment for putting in any sewer connections, provided such tax or assessment is paid to the treasurer when the same is due and payable.

Proviso as to charge for collection of paving tax, etc.

§ 21. This act shall take effect immediately.

Chap. 268.

AN ACT to amend the public health law, in relation to quarantine at the port of New York, and the health officer of the port of New York.

Became a law, April 2, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Articles six and seven of chapter six hundred and sixty-one of the laws of eighteen hundred and ninety-three, entitled "An act in relation to the public health, constituting chapter twenty-five of the general laws," as amended by chapter four hundred and sixty-five of the laws of eighteen hundred and ninety-six, are hereby amended to read as follows:

ARTICLE VI.

QUARANTINE AT THE PORT OF NEW YORK.

Section 80. Quarantine commissioners; organization.

81. Other officers and employes.
82. Meetings; report.
83. Custody of quarantine establishment.
84. Quarantine established.
85. Docks and wharves.
86. Anchorage.
87. Boarding station.
88. The West Bank hospital.
89. Crematory.
90. Remains of persons cremated.
91. Burying ground.

§ 80. Quarantine commissioners; organization.—There shall continue to be a board of commissioners of quarantine at the port of New York consisting of three members appointed by the governor by and with the advice and consent of the senate. Each shall be a resident of the county of New York, Kings and Richmond, and shall hold office for three years and receive an annual salary of twenty-five hundred dollars. The board shall elect one

of their number president, who shall hold office during the pleasure of the board, but not after he shall cease to be commissioner. The president shall appoint a secretary of the board who shall hold office during the pleasure of the president and receive an annual salary of eighteen hundred dollars to be paid by the state.

§ 81. **Other officers and employees.**—The board shall appoint the following officers who shall receive the following annual salaries to be paid by the state: A superintendent of the Swinburne hospital, twenty-five hundred dollars. A superintendent of Hoffman island, fifteen hundred dollars. An engineer at Swinburne island, eleven hundred and fifty dollars. An engineer at Hoffman island, ten hundred and fifty dollars. A carpenter at Swinburne island, nine hundred dollars. Two laborers at Swinburne island, sixty dollars per month. Two laborers at Hoffman island, sixty dollars per month, and such other employees as emergency may require.

§ 82. **Meetings; report.**—The commissioners shall hold daily meetings, Sundays and holidays excepted, from May first until November first in each year, and as often in the other months as they may deem necessary. They shall annually report to the legislature at its opening a report of their proceedings and the condition of the quarantine establishment.

§ 83. **Custody of quarantine establishment.**—The commissioners of quarantine shall be the custodians of the quarantine establishment to be held by them in trust for the people of the state, in accordance with the provisions of this chapter. They may make such rules and regulations not inconsistent with law as they shall deem necessary for the care and protection of each portion of the quarantine establishment; for the government of the employees therein; for the regulation of the conduct of all quarantinable persons provided the same do not interfere with the duties of the health officer. They shall pay all salaries of persons appointed by them from money appropriated by the state. They shall collect from the owners, agents or consignees of vessels all bills for the care and maintenance of persons detained in quarantine, and shall have power to enforce such payment by process of law against the vessel upon which such detained persons have arrived, or against the agents, or owners, or consignees of such vessels, and, in case of an emergency arising, the quarantine com-

missioners shall, upon the certificate of the health officer that such an emergency really exists, use all means conducive to the protection of the public health, except, when such emergency calls for the expenditure of money beyond such amount as may be in the hands of the commissioners, when such expenditure may be made only by and with the approval of the attorney general and comptroller.

§ 84. **Quarantine establishment.**—Quarantine for the protection of public health shall be maintained in and for the ports of New York, for all vessels arriving thereat from other ports, and for the crews, passengers, equipage, cargoes and other property on board the same. The quarantine establishment at such port shall consist of:

1. Docks and wharves.
2. Anchorage for vessels.
3. Stationary hospital.
4. Boarding station.
5. Crematory.
6. Residence for officers and men.
7. Such other places and structures as have been or may be authorized by law for quarantine purposes.

§ 85. **Docks and wharves.**—The existing docks and wharves with their appurtenances shall be maintained, and if any such additional structures are required, they shall be constructed at such expense and in such place in the lower bay of New York, as the quarantine commissioners and health officer may determine, with the approval of the commissioners of the land office.

§ 86. **Anchorage.**—The anchorage for vessels under quarantine shall be within the waters of New York harbor at such place as may be designated by the health officer and commissioners of quarantine.

§ 87. **Boarding station.**—The boarding station for vessels from any place where disease subject to quarantine existed at the time of their departure, or which shall have stopped at any such place during their voyage, or on board of which during the voyage any case of such disease shall have occurred, arriving between the first day of April and the first day of November, shall be at such place as the health officer and quarantine commissioners may designate. And all such vessels immediately on their arrival shall anchor where directed and there remain with

all persons arriving thereon until discharged by the health officer.

§ 88. *The Swinburne Island hospital.*—The Swinburne Island hospital in the lower bay of New York, with its docks, wharves and appurtenances shall be kept in the best possible condition by the commissioners of quarantine and be in constant readiness for use as a hospital for the reception of persons sick with infectious diseases, arriving in quarantinable vessels, and shall be provided with all necessary furniture, fixtures and other facilities for the care of the sick, and for the prompt and efficient discharge of the duties of the health officer. The expense of the care and the support of every person received into such hospital shall be fixed and determined by the commissioners of quarantine, and shall be paid to the commissioners of quarantine by the master, owner or consignee of the vessel in which such person shall have arrived, and the payment thereof may be enforced by the same remedies as the payment of other quarantine charges. The structures on Hoffman Islands now used for that purpose shall continue to be used for the reception and temporary detention of persons under quarantine who have been exposed to infectious diseases and who may be sent there by the health officer pursuant to law. And the commissioners of quarantine shall use every effort to maintain this island and the buildings thereon in the best possible condition for the safe and comfortable occupancy of detained persons, and shall provide such appliances for the cleansing and the disinfection of persons, baggage, and other goods as the health officer may require.

§ 89. *Crematory.*—The board of commissioners of quarantine shall maintain upon Swinburne Island, in the harbor of New York, a crematory of such form and construction as they may deem advisable. The health officer shall cause to be incinerated therein the bodies of persons dying at the quarantine hospital from infectious diseases, except of persons whose religious views as communicated by them while living, or by their friends within twenty-four hours after their decease, are opposed to cremation.

§ 90. *Remains of persons cremated.*—The remains of persons cremated upon Swinburne island shall be placed in receptacles provided by the commissioners of quarantine for this purpose, and the same shall be properly labelled for identification; and the said

commissioners shall deliver such receptacles to the proper claimants, when such appear, and when no such claimant is known, shall place the receptacle in a proper place to be provided for this purpose.

§ 91. **Burying ground.**—The commissioners of quarantine may make use of such parts of Swinburne island in the harbor of New York, as they may find necessary for the interment of the bodies of persons dying at the quarantine hospital from infectious diseases, which are not authorized to be cremated or which may not be designated for cremation.

ARTICLE VII.

THE HEALTH OFFICER OF THE PORT OF NEW YORK.

Section 100. Appointment.

101. Residence and general powers.
102. Appointment of assistants, nurses, boatmen and others employed.
103. Examinations, warrants for offenders.
104. Boarding vessels.
105. Bills of health.
106. Effects of deceased persons.
107. Department of health of the city of New York.
108. Power over master, owner or consignee of vessel.
109. Quarantinable diseases.
110. Quarantinable vessels and periods of quarantine.
111. Detention for examination of vessels.
112. Sanitary measures; admission to partique.
113. The yellow flag.
114. Vaccination.
115. Duty of pilots.
116. Removal of vessels, persons and things from the city New York.
117. Payment of expenses of quarantine.
118. Lien for services and expenses.
119. When master of vessel must provide for passenger.
120. Policemen.
121. Confinement of offenders.
122. Jurisdiction over offenses and in actions.
123. Special port warden.
124. Fees and compensation of health officer.
125. Annual report.

§ 100. **Appointment.**—There shall continue to be a health officer for the port of New York appointed by the governor, by and with the advice and consent of the senate, whose term of office shall be four years, and who shall be a doctor of medicine of good standing of at least ten years' experience in the practice of his profession and practically familiar with quarantinable diseases.

§ 101. **Residence and general powers.**—The health officer for the port of New York shall reside at quarantine. He shall have the general supervision and control of the quarantine establishment, and the care and treatment of the sick thereat, and shall carry into effect the provisions of this article. He shall, in the presence of immediate danger, of which he shall be the judge, take the responsibility of applying such additional measures as may be deemed indispensable for the protection of the public health.

§ 102. **Appointment of assistants, nurses, boatmen and others employed.**—The health officer may appoint and dismiss at pleasure two deputy health officers and a resident physician of the Swinburne island hospital, who may perform, subject to his direction, any duty required of the health officer, and for whose conduct he shall be responsible. He may appoint and dismiss at pleasure as many nurses, boatmen and employes of the boarding station as may be necessary for the proper treatment and care of the inmates thereof, and in conjunction with the quarantine commissioners, license such lightermen, stevedores, laborers and other employes necessary for the care and treatment of vessels, merchandise, baggage, dunnage and other property in quarantine. The compensation of all persons employed under this section, unless established by law, shall be fixed by the health officer.

§ 103. **Examinations, warrants for offenders.**—The health officer may administer oaths in all examinations to be conducted by him, or under his direction, prescribed by this article, and relative to any alleged violation of quarantine law or regulations. He may issue a warrant to any constable or other citizen for the pursuit and arrest of any person violating any quarantine law or regulation, or obstructing the health officer in the performance of his duty, and for the delivery of any person arrested to the health officer, to be detained in quarantine until discharged by him, not exceeding twenty days. Every constable or other

citizen to whom any such warrant shall be delivered shall obey the direction thereof.

§ 104. **Boarding vessels.**—The health officer shall board every quarantinable vessel as soon after her arrival as practicable, between sunrise and sunset; shall ascertain by the inspection of the bill of health, manifest, log book or otherwise, as to the health of all persons on board, and the condition of the vessel and cargo; shall examine on oath as many persons on board or elsewhere as he may deem expedient to enable him to determine the period of quarantine and the regulations to which the vessel and cargo shall be made subject. It shall be the duty of the health officers at the several ports of entry within the state of New York to require the masters of all merchant ships and vessels arriving at said ports from any foreign port, to present a bill of health, duly executed by the consul, vice-consul, or other consular officer of the United States, or by the medical officer attached to the United States consulate by appointment of the United States government, or the representative of the United States government resident at said port of departure, which shall set forth the sanitary condition and history of said vessel; also the sanitary condition of the cargo and of the crew and passengers; also the sanitary condition of the food, water and ventilation of said vessel; the number of cases at such port of yellow fever, plague, cholera, small-pox, typhus fever, relapsing fever, scarlatina, measles, diphtheria and other infectious diseases, the total number of deaths from each of these diseases from all causes the week preceding the date of said bill of health, as far as can be ascertained by the said consul, vice-consul or other consular officer of the United States, or the medical officer attached to such consulate. Said bill of health shall contain, in addition to the above, a statement of any circumstances affecting the public health in relation to infectious diseases at the port of departure, or the community adjacent thereto. Vessels that touch at other ports on the passage shall bring a bill of health from each and every port, or shall have indorsed upon the original bill of health by the consul, vice-consul, consular officer or medical officer of the consulate, the facts and conditions of those ports as to the existence and prevalence of the infectious diseases mentioned in this section. All persons coming from or

through any foreign port or place who, after the passage of this act, may arrive at the port of New York, shall be liable to an examination by the health officer or his deputies, as regards their protection from small-pox. In any case any person so arriving shall refuse to submit to such examination, or upon such examination shall be found not sufficiently protected from small-pox, or refuses to be protected by vaccination, such person, and in case such person be a minor, then also the person having him or her under charge, shall be detained in quarantine until he or she shall have passed the incubative period from date of last possible exposure; and the expense of such detention shall be chargeable by the commissioners of quarantine upon the consignees or owners of the vessel having such person on board, and such expenses as may be incurred shall be a lien upon such vessel. The master of a vessel who shall refuse or neglect to comply with the provisions of this section shall be guilty of a misdemeanor, and be punished by a fine of not less than one hundred dollars nor more than five hundred dollars.

§ 105. *Bills of health.*—The health officer shall require the masters of all merchant ships and vessels at such port from any foreign port to present a bill of health, duly executed by the consul, vice-consul or other consular officer of the United States, or by the medical officer attached to the United States consulate, by appointment of the United States government, or the representative of the United States government, resident at such port of departure, setting forth the sanitary condition of the vessel, its cargo, crew, passengers, food, waters and ventilation and the sanitary history of the vessel, the number of cases at such port of yellow fever, plague, cholera, small-pox, typhus fever, relapsing fever, scarlatina, measles, diphtheria and other infectious diseases, the total number of deaths from each of these diseases, and from all causes the week preceding the date of the bill of health, as far as can be ascertained by the officer executing such bill of health, and a statement of any circumstances affecting the public health in relation to infectious diseases at such port of departure or the community adjacent thereto. Vessels touching other ports on the passage shall also bring a bill of health from each port, or shall have indorsed on the original bill of health by one of such United States officers

thereat, the facts and conditions of the ports touched, as to the existence or prevalence there of any such infectious disease.

§ 106. *Effects of deceased persons.*—The health officer shall secure the effects of deceased persons in quarantine from waste and embezzlement, make a true inventory thereof, and if the rightful claimants thereto do not appear within three months deliver the same to the public administrator of the city of New York, unless they ought not to be removed or ought to be destroyed under the provisions of this article.

§ 107. *Department of health of the city of New York.*—The health officer shall keep the department of health of the city of New York informed of the number of cases of quarantinable diseases and the character of the same held at quarantine and he may receive any vessel or merchandise sent to him by the health authorities of New York which in his opinion is dangerous to the public health.

§ 108. *Power over master, owner or consignee of vessel.*—If the master, owner or consignee of any quarantinable vessel shall neglect or refuse to do any act or thing lawfully directed to be done by the health officer, or to comply with any lawful order or direction of the health officer, or with any regulation relative to such vessel or any person or thing on board thereof, the health officer may employ such assistance as may be necessary to enforce any such order, direction or regulation. The health officer in the lighterage, stevedorage and storage of quarantinable vessels and merchandise may permit the captains and owners thereof to employ men upon their own account, subject to the same restrictions for the protection of the public health as if licensed by the health officer and quarantine commissioners.

§ 109. *Quarantinable diseases.*—The quarantinable diseases are yellow fever, plague, cholera, typhus or ship fever and small-pox, and any other infectious disease which has been or may be determined to be quarantinable by the health officer. Persons with insufficient evidence of vaccination and known to have been recently exposed to small-pox, shall be vaccinated as soon as practicable and detained until the vaccination shall have taken effect under regulations prescribed by the health officer.

§ 110. *Quarantinable vessels and period of quarantine.*—Every vessel arriving at the port of New York from any place where a quarantinable disease existed at the time of departure, or which

shall have arrived at any such place and proceeded therefrom to New York, or on board of which during the voyage any case of any such disease shall have occurred, shall remain at quarantine until the health officer grant a permit for the discharge of such vessel or cargo or both. Every vessel arriving at the port of New York from any foreign port and every vessel from a domestic port shall, on their arrival at the quarantine ground, be subject to visitation by the health officer. No quarantinable vessel shall depart from quarantine without the written permission of the health officer which shall be delivered by the master of the vessel to the department of health of the city of New York, according to the destination of the vessel within twenty-four hours after the permit is received by him.

§ 111. **Detention for examination of vessels.**—If a vessel which has not had, during the voyage, a case of quarantinable disease, is found in a condition which the health officer deems dangerous to the public health it shall be held and treated as the health officer may deem necessary.

§ 112. **Sanitary measures; admission to pratique.**—The health officer may require before admission to pratique of any vessel, baths and other bodily care of the person on board; in addition to the treatment of the vessel, and cargo. Admission to pratique shall be preceded by as many visits to the vessel by the health officer as he may deem necessary.

§ 113. **The yellow flag.**—The health officer shall cause all vessels, warehouses and merchandise in quarantine to be designated by a yellow flag, and shall prohibit communication with or passage within range of the same, except under such restrictions as he may designate compatible with the public safety.

§ 114. **Vaccination.**—All persons coming from or through any foreign port or place, who may arrive at the port of New York shall be liable to an examination by the health officer or his deputies, as regards their protection from small-pox. If any such person shall refuse to submit to such examination or on such examination shall be found not sufficiently protected from small-pox, or shall refuse to be protected by vaccination, such person together with the person having him in charge if he be a minor, shall be detained in quarantine until he shall have passed the incubative period from the date of the last possible exposure; and the expense of such detention shall be charged by

the commissioners of quarantine to the consignees or owners of the vessel having such person on board, and such expenses so incurred shall be a lien upon such vessel.

§ 115. *Duty of pilots.*—Every pilot belonging to the port of New York shall use his utmost endeavors to supply the health officer with such information as may aid him in protecting the public health.

§ 116. *Removal of vessels, persons and things from the city of New York.*—The health officer may, whenever in his judgment the public health requires it, order any vessel at the wharves at the city of New York to the quarantine grounds and may require all persons, articles or things introduced into the city from such vessel to be seized, returned on board thereof. If the master, owner, or consignee of such vessel cannot be found, or shall neglect or refuse to obey any such order of removal, the health officer may employ such assistance as may be necessary to effect such removal at the expense of such master, owner or consignee. He shall have the aid of the health and police departments of the city of New York in securing the return of the persons and things above referred to. Such vessel or person shall not return to the city without the written permission of the health officer. Any person employed to remove any such vessel, articles or things pursuant to this section, shall have a lien on such vessel, its tackle, apparel, and furniture for his services and expenses in effecting such removal, which may be enforced in the manner prescribed in the lien law for the enforcement of a lien upon vessels.

§ 117. *Payment of expenses of quarantine.*—The expenses incurred and services rendered by the health officer or any of his subordinates or employes in the discharge of any duty imposed by law in relation to vessels, merchandise, baggage, dunnage, persons or burials of persons under quarantine shall be paid for to the health officer by the master of the vessels for which the expenses shall have been incurred, or the services rendered, or in which such merchandise, baggage, dunnage and persons shall have arrived. Persons conveyed to and from the quarantine establishment in the quarantine steamboat shall pay the health officer for such transportation, unless conveyed for the master of a vessel, in which case the master shall pay for the same.

§ 118. **Lien for services and expenses.**—All such expenses, services and charges shall be a lien on the vessels, merchandise or other property in relation to which they shall have been made, incurred or rendered, and if such master, owner or consignee shall omit to pay the same within three days after the presentation of such account, the commissioners may proceed to enforce such lien in the manner provided in the lien law for the enforcement of liens upon vessels; or they may have or maintain an action against such master, owner or consignee to recover the amount of such expenses, services and charges, and such master, owner or consignee shall be deemed indebted to the commissioners in such amount and may recover from any passenger liable to pay the same the amount of any expenses incurred on account of such passenger. The health officer shall have the same remedies as the commissioners to enforce any lien or to recover for any expenses, services or charges which are by law made payable to him if they remain unpaid for three days after payment shall have been demanded by him. The vessel, cargo or other property upon which any lien exists by virtue of any provision of this article, shall be held in quarantine until the amount due for the expenses, services or charges constituting such lien is paid, unless such master, owner or consignee, shall execute to the quarantine commissioners a bond with sufficient sureties to be approved by them, conditioned for the payment thereof within ten days thereafter.

§ 119. **When master of vessel must provide for passenger.**—All passengers on board any vessel under quarantine shall be provided for by the master of the vessel on which they arrive. If the master neglects or refuses to provide for them, or if they have been transferred to some other point within the jurisdiction of the health officer, they shall be maintained by the quarantine commissioners at the expense of the vessel, her owners or consignees, and the health officer may in his discretion refuse to permit the vessel to leave quarantine until such expenses have been paid or secured. The commissioners may maintain an action against such owners or consignees to recover for such expenses, which shall be a lien upon the vessel, to be enforced as other liens thereon by the commissioners.

§ 120. **Policemen.**—The health officer may appoint policemen, whose services shall be paid for by him, and may

dismiss them at pleasure and appoint others in their places. Such policemen shall perform patrol or police duty under the direction of the health officer, in connection with the quarantine establishment, and upon the waters of the bay of New York. They shall have all the powers possessed by policemen in the city of New York and any person arrested by any such policeman for violating any law or regulation relating to quarantine in such port, may be taken by him before any court of criminal jurisdiction or any magistrate or police justice in said city, and thereupon such court, magistrate or police justice shall have jurisdiction to hear, try and punish the person arrested for the offense committed by him in the same manner and with the same effect, as if the offense had been committed within the territory over which such court, magistrate or police justice has jurisdiction to hear, try and punish for offenses committed within such territory.

§ 121. **Confinement of offenders.**—The health officer upon the application of the master of any vessel under quarantine may confine in any suitable place on shore, any person on board of the vessel charged with the commission of any offense punishable by the laws of this state or of the United States, and who cannot be secured on board of such vessel. Such confinement may continue during the quarantine of such person, or until he shall be proceeded against in due course of law. The expenses of such confinement shall be charged and collected in the same manner as the expenses of providing for passengers, which the master of the vessel is required to pay.

§ 122. **Jurisdiction over offenses and in actions.**—Exclusive jurisdiction of the offenses specified in this article is hereby given to the court of general sessions of the county of New York and the court of special sessions of the city of New York but the punishment in the last-named court for offenses shall not exceed ten days' imprisonment, or a fine of one hundred dollars, or by both such fine and imprisonment, and it shall be the duty of the district attorney of the county of New York, and the county of Kings and the county of Richmond, respectively, to prosecute all persons guilty of such offenses in preference to any indictment then in their courts, and for such courts to hear and try the offenses against the provisions of this chapter in preference to all other cases pending

before it; and whenever any person shall be convicted on a trial for such offense, the court shall forthwith proceed to pronounce judgment upon him according to the terms prescribed in this chapter. For the purpose of determining all questions of jurisdiction in any civil or criminal action growing out of any act or thing done upon or connected with the West Bank hospital, such hospital shall be deemed to be with the county of New York. If any action has been or shall hereafter be commenced on any criminal prosecution instituted against the health officer, or any of his deputies or employes, or against the quarantine commissioners, or any of them, or against any person engaged in performing any duty or rendering any service in any matter or thing connected with the quarantine establishment, or any part thereof, before any court or officer within the county of Richmond, or when such county shall be the place of trial named in the complaint in any such action, the defendant therein may apply to any justice of the supreme court for an order directing that such action shall be tried either in the county of New York or in the county of Kings, and such justice shall thereupon make an order removing such action from the county of Richmond to the county of New York or the county of Kings. If the action is pending in the supreme court, the order shall designate in which of the other counties herein named the trial shall be had; if the action is pending in the county court, such order shall remove the action into the supreme court, and designate one of such other counties as the county wherein it shall be tried. If the action shall have been commenced in the municipal court for the borough of Richmond, the order shall designate the court before which the action shall be tried in the county to which it is removed as herein required; and if it is a criminal action, the order shall direct to which officer or court the complaint or indictment shall be sent for trial, and shall provide for giving bail in such form and amount as such justice shall deem proper. The court or officer to which any action shall be transferred, pursuant to this section, shall proceed to the trial thereof in the same manner and with the same effect as if the action had been commenced before such court or officer and the cause of action had arisen in the county to which the action shall have been removed. An action

may be brought by and in the name of the quarantine commissioners to recover any penalty, forfeiture, sum of money or other cause of action incurred or required to be paid or authorized to be brought pursuant to any provision of this article or the preceding article.

§ 123. **Special port warden.**—There shall continue to be a special port warden in and for the port of New York, appointed by the governor, by and with the advice and consent of the senate, whose term of office shall be two years. He shall act as warden in regard to vessels under or subject to quarantine, but not in regard to vessels while stopping at quarantine for the purpose of visitation only by the health officer, but not detained. He shall have all the powers of a port warden of the port of New York with reference to vessels or merchandise under or subject to quarantine, but he shall be subject to such regulations as the health officer may impose, for the protection of the public health. He shall receive for each survey or examination made by him the sum of five dollars, and shall make returns to the warden's office in the city of New York of each survey made by him, within twenty-four hours after it shall be made. He may appoint a deputy, who during his absence or inability to serve, may perform all his duties and exercise all his powers. No other port warden shall be appointed under quarantine.

§ 124. **Fees and compensation of health officer.**—The health officer shall receive fees for his services at not exceeding the following rates, namely: For inspection of any vessel from a foreign port, five dollars. For inspection of every vessel from a domestic port, south of Cape Henlopen, between May first and November first in each year, steamers three dollars; other vessels, one dollar. For medical inspection of every one hundred or fraction of one hundred steerage passengers upon transatlantic steamers two dollars. For each special permit issued for the discharge of cargo, portion of cargo or baggage brought as freight, twenty-five cents. For sanitary inspection of every vessel after the discharge of cargo or ballast, ten dollars. For fumigation and disinfection of every vessel from an infected port, or of such vessel as in the judgment of the health officer shall require fumigation and disinfection by reason of exposure to infection or contagion, fifty dollars, or such sum not more than fifty dollars or less than five dollars as may in the judgment of

the health officer be deemed reasonable. For boarding every vessel and giving a permit between sunset and sunrise, at the request of the owner, consignee or master of the vessel,* when such pratique can be given without danger to the public health, five dollars. For vaccination of persons on vessels, each twenty-five cents. But no charge shall be made for the vaccination of any person who shall have been successfully vaccinated by the medical officer of the ship. He shall report annually to the board of quarantine commissioners all fees received by him. He shall pay all the salaries and wages of the deputy health officers and such bargemen, nurses, stewards and other employes as may be necessary for the performance of the duties imposed upon him by law for the carrying on of the quarantine establishment, except the salaries of the commissioners of quarantine, and shall pay the current expenses of running a steamboat for the transportation of persons to and from the establishment, for visitation and for burying the dead. The health officer shall be entitled to receive a total compensation of twelve thousand five hundred dollars per annum, and in case the aggregate amount of such fees remaining in the hands of the health officer at the end of each year, during which he shall continue in office, after payment by him of the salaries, wages and expenses which he is required by law to pay, shall be less than the sum of twelve thousand five hundred dollars, the balance shall be paid by the state treasurer on the warrant of the comptroller out of any money appropriated therefor. In case the aggregate amount of fees exceeds the sum of twelve thousand five hundred dollars per annum, and the expenses to be paid out of the same specified in this section, the surplus shall be used for the purchase of necessary books, scientific apparatus and other necessary appliances, as the health officer may decide or for the preservation and repair of the structures belonging to the quarantine establishment. The health officer shall keep an account of all moneys received or disbursed by him under this section. This section shall not affect the liability of masters or owners of vessels, passengers or other persons to pay for such services, labor or work as they are respectively required to pay or discharge by law.

*So in the original.

§ 125. **Annual report.**—The health officer shall make a report to the quarantine commissioners annually on or before January first, containing a statement of the general condition of the quarantine establishment, the statistics of the establishment in detail, and such other information and suggestions in regard to it as he may deem advisable. A duplicate copy of said report shall at the same time be filed by said health officer with the comptroller.

§ 2. This act shall take effect immediately.

Chap. 269.

AN ACT making an appropriation for the New York State Woman's Relief Corps Home at Oxford.

Became a law, April 2, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation for improvements.

Section 1. The following sums are hereby appropriated for the uses and purposes of the New York State Woman's Relief Corps Home at Oxford from any moneys in the treasury not otherwise appropriated; for the erection of cottage "C" to accommodate sixty inmates, twenty-two thousand and twenty dollars; for heating and ventilating the same, four thousand and eighty dollars; for plumbing and drainage, two thousand, eight hundred and eighty dollars; for electric wiring and fixtures, one thousand and twenty dollars; for the erection of a kitchen building and equipment thereof, seven thousand, five hundred and twenty-four dollars; for heating and ventilating the same, six hundred dollars; for plumbing and drainage, five hundred and fifty dollars; for electric wiring and fixtures, two hundred and seventy-five dollars; for equipment, one thousand eight hundred dollars; for furnishing dormitory "B" heretofore erected, two thousand dollars; for laundry machinery, one thousand seven hundred dollars; for grading grounds, two thousand five hundred dollars; for the erection of a retaining wall at power house and roof over coal pockets, one thousand one hundred dollars; for the erection of an ice house and cold storage building, one

thousand eight hundred dollars; for dough kneaders, one hundred and ten dollars; inspirator for boiler, seventy-five dollars; for ordinary repairs, six hundred dollars.

§ 2. The state architect shall prepare plans and specifications for the board of managers, subject to the approval of the state board of charities, and superintend the erection of the buildings authorized by this act. Plans and specifications.

§ 3. Work done and material furnished under this act, except the item for ordinary repairs of six hundred dollars, shall be done by contract, and no item of said appropriation shall be available for any such construction of buildings under contract, except for advertising, unless a contract therefor according to plans and specifications shall have been first made for the completion thereof within the appropriation therefor, and the performance secured by a satisfactory bond approved by the comptroller. Expenditures for ordinary repairs may be done by or under the supervision of the board of managers upon estimates or contracts approved by the comptroller. Contract for work.

Expenditures for ordinary repairs.

§ 4. This act shall take effect immediately.

Chap. 270.

AN ACT to amend section four hundred fifty-eight of the penal code in relation to prize fighting and sparring exhibitions.

Became a law, April 2, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four hundred and fifty-eight of the penal code is hereby amended so as to read as follows:

§ 458. Prize fighting and sparring exhibitions, aiding therein, et cetera.—A person who, within this state, engages in, instigates, aids, encourages or does any act to further a contention, or fight, without weapons, between two or more persons, or a fight commonly called a ring or prize fight, either within or without the state, or who engages in a public or private sparring exhibition, with or without gloves, within the state, at which an admission fee is charged or received, either directly or in-

directly, or who sends or publishes a challenge, or acceptance of a challenge for such a contention, exhibition or fight, or carries or delivers such a challenge or acceptance, or trains or assists any person in training or preparing for such a contention, exhibition or fight, is guilty of a misdemeanor.

§ 2. This act shall take effect on the first day of September, nineteen hundred.

Chap. 271.

AN ACT to provide for the acquisition and improvement by the city of Syracuse of certain lands in said city for public park purposes.

Accepted by the city.

Became a law, April 2, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Acquisition
of property.

Section 1. The commissioner of public works of the city of Syracuse, with the aid of the corporation counsel of said city, is hereby authorized, empowered and directed, for, on behalf of, and in the name of said city, to acquire, for public park purposes, free and clear of all claims, liens and encumbrances, the absolute title, in fee, in and to certain real property situated in the Seventeenth ward of said city, being a triangular tract of land, bounded and enclosed by the side lines of East Genesee street, Columbus avenue and Lexington avenue, in the manner and by the proceedings provided by chapter twenty-three of the code of civil procedure for the condemnation of real property, and the several acts amendatory thereof and supplemental thereto, said proceedings to be instituted forthwith and vigilantly prosecuted.

Removal of
buildings
and im-
provement
of property.

§ 2. It shall be the duty of said commissioner of public works, upon the acquisition, by said city of said property, to proceed forthwith to cause the buildings thereon to be sold and removed from said tract of land. He shall thereupon cause said land to be suitably set out, graded, equipped and improved as a public park, and said tract shall forever afterward be properly maintained by said city as a free public park.

§ 3. The expense involved in the acquisition and improvement of said property, as herein provided, shall be a charge against said city, and for the purpose of providing the funds necessary to defray the same, there shall be included in the annual estimate and tax budget of said city, for the year nineteen hundred and one, the sum of ten thousand dollars, which shall be levied and assessed upon the taxable property of said city and collected in like manner as other city taxes for said year. A like amount shall be included in the annual estimate and tax budget of said city for each year thereafter and be levied, assessed and collected in like manner until the required amount shall have been raised, provided, however, that only so much money shall be raised, as shall, in the aggregate, be required for the purposes hereinbefore specified. The money so raised, together with such as may be derived from a sale of the buildings on the said tract, shall be set apart as a separate fund and shall be used only for the purposes authorized by this act.

Tax for
expense.

§ 4. If the title to said property, or any part thereof, shall have been acquired, or the improvement thereof shall have been made, before a sufficient amount shall have been raised by tax, as herein provided, to defray the same, the mayor and common council shall authorize and direct the negotiation of temporary loans in anticipation of the levy and collection of the same by tax, for such sums as may from time to time be required for such purposes, on the faith and credit of said city, and the obligations of said city shall be issued therefor, in such form as shall be prescribed by said common council, to be made payable, however, and to be paid out of the funds raised by tax, as herein provided, as fast as the same shall become available for such purpose.

Temporary
loans in an-
ticipation
of taxes.

§ 5. This act shall take effect immediately.

Chap. 272.

AN ACT for the relief of William H. Bitner and to permit him to be detailed to duty as a member of the police department of the city of Rochester.

Accepted by the city.

Became a law, April 3, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The commissioner of public safety of the city of Rochester is hereby authorized and empowered in his discretion to administer to William H. Bitner, of said city, the oath of office as a policeman of said city, and to detail said William H. Bitner to duty as a member of the police department of said city upon the presentation by said William H. Bitner to said commissioner of public safety of a certificate of the surgeon of the department of public safety, showing that said Bitner is physically able to perform the duties of said position.

§ 2. This act shall take effect immediately.

Chap. 273.

AN ACT to amend chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-eight entitled "An act for the government of cities of the second class," relative to appointment of deputy city clerk.

Became a law, April 3, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Section fifteen of chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-eight, entitled "An act for the government of cities of the second class," is hereby amended to read as follows:

City clerk.

§ 15. The common council shall choose a clerk to hold office during the term for which its members were elected, unless

sooner removed by a vote of three-fourths of all the members of the common council. He shall be the city clerk and shall attend the meetings of the common council, keep a journal of its proceedings and discharge such other duties as may be prescribed by the city ordinances. He may appoint to hold office during his pleasure a deputy and such other subordinates as may be prescribed by the board of estimate and apportionment. The president, clerk and deputy clerk of the common council shall each have the powers of commissioners of deeds.

§ 2. This act shall take effect immediately.

Chap. 274.

AN ACT to amend chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled "An act to incorporate the city of Mount Vernon," relative to the issue of bonds for street paving.

Accepted by the city.

Became a law, April 3, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and five of chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two entitled "An act to incorporate the city of Mount Vernon" as amended by chapter four hundred and ninety of the laws of eighteen hundred and ninety-four is hereby amended so as to read as follows:

§ 205. The common council may also from time to time issue bonds for such sums as may be necessary to pay two-thirds of the expenses of paving streets of the city, provided the aggregate of such bonds shall not exceed the sum of three hundred and seventy thousand dollars provided that not more than thirty-five thousand of such bonds shall be issued in any one year. Such bonds shall be of such denomination as the common council shall determine, bear interest at a rate not exceeding four per centum per annum, and mature in sums not exceeding ten thousand dollars in any one year. Said bonds shall be signed

Charter amended.

Issue of bonds for paving.

by the mayor and city clerk, and sealed with the city seal. The common council shall convert said bonds into money at not less than their par value; or may obtain loans on the same, and the proceeds therefrom shall be used only for the payment of two-thirds of the costs of such paving.

§ 2. This act shall take effect immediately.

Chap. 275.

AN ACT to amend chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, relative to assessment bonds in the city of Mount Vernon.

Accepted by the city.

Became a law, April 3, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

Section 1. Section two hundred and one of chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled "An act to incorporate the city of Mount Vernon" is hereby amended so as to read as follows:

Report of assessments received.

§ 201. The receiver of taxes and assessments shall, at the expiration of one month from receipt by him of a warrant for the collection of any assessment under this title report to the common council the amount of such assessments received by him under such warrant within such month and the common council may thereupon issue bonds of the city, to be known as "assessment bonds," to the amount of such assessments then remaining unpaid. Such bonds shall be signed by the mayor and city clerk, to be of such denomination, bear such interest not exceeding the legal rate, and mature at such times not exceeding six years, from their date, as the common council shall prescribe. The common council may convert said bonds into money at not less than their par value or obtain loans upon the same, and the proceeds thereof shall be applied only for the purpose for which the assessments so reported unpaid were laid; and all moneys received from such assessments, or from the sale of land for the non-payment of such assessments and interest on the same, after

Issue of assessment bonds.

the issue of such bonds shall be held and used exclusively for the payment of such assessments, bonds or loans obtained and the interest thereon. If the money so received shall not be sufficient to pay such bonds as they become due the common council may, from time to time issue additional assessment bonds, equal to the amount of deficiency existing between the moneys so received and the amount of such bonds so maturing; provided, however that the time of payment of any such assessment bonds shall not extend beyond two months after the time within which lands must be sold for the nonpayment of the assessments in the respective proceedings for which the said bonds were issued.

§ 2. All acts or parts of acts inconsistent with this act are ~~hereby repealed~~ ^{Repeal}.

§ 3. This act shall take effect immediately.

Chap. 276.

AN ACT to amend chapter one hundred and twenty of the laws of eighteen hundred and eighty-six, entitled "An act to revise the charter of the city of Lockport," and the several acts amendatory thereof and supplemental thereto relating to municipal year, election and appointment of city officers and their term of office, the inspection of boilers, the examination and licensing of stationary engineers, city taxes and the collection thereof and providing for a public amusement fund and to repeal sections ten and seventy-two of said act.

Passed without the acceptance of the city.

Became a law, April 3, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections four, seven, eleven, thirteen, fourteen, fifteen, twenty-one, subdivision four of section forty-three, sections forty-nine, fifty, fifty-five, sixty-four, one hundred and four, two hundred and thirty-one and two hundred and seventy-nine of chapter one hundred and twenty of the laws of eighteen hundred and eighty-six, entitled "An act to revise the charter of the city of Lockport," and the several acts amendatory thereof and supplemental thereto, are hereby amended so as to read as follows:

City charter amended.

Municipal
and fiscal
years.

§ 4. The municipal year in said city shall begin on the first day of January. The fiscal year in said city shall begin on the first day of November.

Annual city
and ward
election.

§ 7. The annual city and ward election shall be held on the same day with the state general election. The common council shall cause public notice thereof to be given, specifying the time when, and polling places in each ward where said election shall be held, and the city and ward officers to be chosen thereat, by publication in the official paper, and in the other daily newspaper in said city having the largest circulation therein, at least once in each week for the six successive weeks next preceding each election. Elections held under this act shall be governed by the general election law of the state, where it is not inconsistent with the provisions of this act and all certificates of nominations shall be filed as provided therein.

General
election law
applicable.

Canvass
and return
of votes by
inspectors.

§ 11. Upon the closing of the polls the inspectors shall forthwith without adjournment canvass the votes and shall make and certify statements of the results in the manner required by the general election laws of the state. Separate returns as to city officers voted for shall be filed by the said inspectors in the office of the city clerk on the same or following day before nine o'clock ante meridian.

Canvass by
council.

§ 13. The common council shall convene on the second Monday after any election, at seven o'clock in the afternoon, at its usual place of meeting, and the statement of votes filed with the city clerk by the inspectors of election shall be produced by the clerk. The common council shall forthwith determine, declare and certify, in manner now provided by law, who by the greatest number of votes are duly elected at the said election to the various offices hereinbefore named; such certificate shall be made in duplicate, one of which shall be filed with the clerk of the said city, and the other with the clerk of Niagara county. The mayor and aldermen elect shall take the oath of office prescribed by the constitution of the state and shall take office, and the common council shall be organized on the first day of January following their election.

Oaths of
office.

Organiza-
tion of
council.

Commence-
ment of
term of
office.

§ 14. All elective city officers shall enter upon the duties of their respective offices on the first day of January following their election, except as herein otherwise provided and all appointive

officers, shall take their office the day after their appointment, except as herein otherwise provided.

§ 15. Every term of office herein specified as continuing for one year shall expire with the close of the municipal year with or in which said term began; every term specified as for two years shall expire with the close of the municipal year next following that with or in which said term began; every term specified as for three years shall expire with the close of the second municipal year after that with or in which said term began; every term specified as for four years shall expire with the close of the third municipal year after that with or in which said term began; provided, however, that every officer in said city shall hold his office until his successor therein shall qualify, as herein required.

Expiration
of term of
office.

§ 21. The mayor and aldermen of the said city shall constitute the common council thereof. The common council shall meet on the first day of January after the election in each year at the regular place of meeting of the common council for the previous year, and thereafter shall meet at such places and times as it may from time to time designate.

Common
council.

Meetings.

§ 43, subdivision 4. To provide for the inspection of steam engines and boilers used in the city, and to prohibit the use of such thereof as are unsafe, and for the examination of stationary engineers and the licensing of same.

Steam
engines and
boilers.

§ 49. At the first regular meeting of the common council in each municipal year or at some subsequent meeting, and as soon thereafter as may be, it shall direct the clerk to advertise for proposals in such manner as the council shall direct, not less than three days, for printing the proceedings of the common council, and furnishing printed copies of the same, and publishing all ordinances, notices and other matters required by law, or by the council, for the period of one year, in a daily newspaper published in said city, with a bona fide paid circulation of not less than seven hundred copies per day. Every bid shall be in writing and accompanied by a written guaranty, signed by a responsible person or persons, to the effect that the bidder shall enter into such contract, if awarded to him, them or it. Such bids and guaranty shall be enclosed in a sealed envelope, and be delivered to the clerk at or before the time designated in the advertisement for opening such proposals. All such

Proposals
for
printing.

Bids, how
executed.

bids shall be opened in the presence of the common council. The common council shall have the right to accept the lowest bid to do such printing, publishing and work, and furnishing such materials, or to reject all such bids. The person or persons or corporations whose bid shall be accepted shall enter into a written contract in accordance therewith, and shall furnish such security for the faithful performance thereof as shall be satisfactory to the common council. In case the common council reject all bids, they may advertise for further proposals, and continue so to do until some bid is accepted. Upon the acceptance of any bid and the execution of a contract in accordance therewith, as above provided, the said daily newspaper in which it is agreed to publish such proceedings, ordinances and notices, and other matters required by law, shall thereupon become and be the official paper of said city, for the period of one year, and to continue thereafter as such until another be designated as aforesaid. When a newspaper shall be so designated, the publication of all such matters as shall have been commenced in the paper that shall be superseded by such designation shall continue to be published in the paper so superseded until completed, notwithstanding such change, with the same force and effect as if no change had been made. The present official paper of said city shall continue as such until another be designated, in accordance with the foregoing provisions. In case no newspaper shall be so designated, or for any other cause there shall at any time be no official paper of said city, all proceedings, ordinances, notices or other matters required by law to be published in the official paper of said city, shall be published by posting up in a conspicuous place in each ward of said city a written or printed copy thereof, for the same number of days that they are required to be published in the official paper, and such publication shall have the same force and effect, and be in all respects as valid as if they had been duly published in the official paper. In case any paper designated as the official paper shall, during the term for which it has been designated as the official paper, cease to publish, the common council shall have the power to designate another paper as the official paper, in accordance with the foregoing provisions.

§ 50. It shall be the duty of the mayor to take care that within said city the laws of this state and the ordinances and by-laws passed by the common council and the board of health be faith-

Acceptance
of bids.

Official
newspaper.

Publication
of notices,
etc., when
no news-
paper
designated.

Proviso
when
official
newspaper
ceases to
exist.

Mayor, his
powers and
duties.

fully obeyed and executed, and to arrest or cause the arrest or prosecution of all persons liable to arrest for violating the same or any thereof. In addition to the general powers conferred by law upon the mayor of cities, he shall have authority, with force if necessary, to suppress all tumults, riots and unlawful assemblages, reveling, quarreling or other disorderly conduct, and to the disturbance or annoyance of the peaceable inhabitants of said city, and shall have power to call out and command the police and firemen, whenever in his discretion he shall deem it necessary, and such command shall be in all respects obeyed; he shall have power to administer oaths and take affidavits and acknowledgments in the said city, and receive therefor the same compensation that is allowed to justices of the peace for the same services.

He shall receive a salary of six hundred dollars per annum. Salary.

It shall be his duty to communicate to the common council, on or before the first day of February in each year, a general statement of the affairs of the city, in relation to its finances, government and improvements, with recommendations such as he may deem proper, and from time to time thereafter to recommend to the common council, and to any of the city boards, such measures as he shall deem necessary or advantageous for it to adopt; and to expedite and cause to be carried out all such as shall be adopted by any thereof; to exercise a constant supervision over the conduct of all subordinate officers, and to examine into all complaints against them for misconduct or neglect of duty and to report the facts to the common council. Annual message. He shall have power at all times to examine the books, accounts, vouchers and papers of any officer or employee of said city, and to summon under oath any person connected therewith. Other duties and powers. He shall be the chief executive officer of the city, and shall, when present, preside at all meetings of the common council, sign all appointments, countersign all orders or warrants ordered by the common council to be drawn on the city treasurer, when the fund on which it is drawn is not exhausted; he shall, at the first meeting of the common council in each municipal year, or as soon thereafter as may be, appoint all standing committees required by the rules of the common council, and shall appoint all special committees of the council, unless otherwise by it ordered.

§ 55. The city treasurer shall, before entering on the duties of his office, on the first day of January after his election, Official bond of city treasurer.

enter into a bond in such penal sum as may be fixed by the common council, but not less than seventy-five thousand dollars, conditioned as in section eighty-one of this act provided; which bond, when approved, shall be immediately filed in the office of the clerk of the county of Niagara, who shall place the same on record, as required in the case of bonds of town collectors; said bond shall thereupon be a lien on all the real estate of the said treasurer, and of his sureties in the county of Niagara, and shall continue so until the conditions, together with all the costs and charges which may accrue from the prosecutions thereof, shall be satisfied. The common council may, at any time when it shall deem that the interests of the city require it, by a written notice to be served on the said treasurer, require him, within a time to be named by it, in said notice, not less than ten days after the service of the same, to give such further and additional bond or bonds, in such sum or sums and with such conditions as it may deem necessary, and thereupon the said treasurer shall, within the time limited by it, file such additional bond or bonds, with such conditions as shall be approved by the mayor, and which bond or bonds shall be executed, approved, indorsed and filed with the county clerk of the county of Niagara, recorded and become and be a lien, the same in all respects as the bond first herein provided.

Additional
bond.

City
assessor,
appoint-
ment, etc.

§ 64. In the month of January, nineteen hundred and one, or as soon thereafter as may be, the mayor shall appoint one city assessor whose term of office shall commence immediately thereafter and continue for two years and in the month of January in each year thereafter the mayor shall appoint one city assessor, whose term of office shall commence immediately and continue for two years next thereafter. If such appointment shall not be made until after said January the appointee shall enter upon said office immediately upon taking and filing his oath of office; the term of office shall not be otherwise affected, but shall expire the same as though the appointment had been made in said month of January. Each of said assessors shall receive as compensation for all his services to be rendered to the city of Lockport, the sum of four hundred dollars per annum, payable monthly, from the salary and contingent fund. In the month of January, or as soon thereafter as may be, in each year,

Salary.

Clerk
of board of
assessors.

the mayor shall appoint a competent person clerk of the board of assessors, whose duty it shall be to perform the clerical labor of said board in making and copying and correcting assessment-rolls, and laying and extending taxes thereon and to do any clerical work within the province of and when directed by said board; to meet with and attend said board at such times and places as said board or either of said assessors shall direct, and when not otherwise directed, to remain in the office of said board of assessors during business hours. The clerk of the board of assessors shall hold office for one year, and until his successor shall be appointed and qualified. The salary of such clerk of assessors shall be fixed by the common council at a sum not exceeding seven hundred dollars per annum, for all services under this act, payable monthly, from the salary and contingent fund.

Salary.

§ 104. There shall be a fire department in said city for the prevention and extinguishment of fires. It shall consist of four fire commissioners, a chief engineer, a first assistant engineer, a second assistant engineer, a superintendent of fire alarm, a fire warden, such employees and subordinates as may be found necessary from time to time, and a competent number of able-bodied firemen, inhabitants of said city, who shall be organized into companies not exceeding six in number. At the first regular meeting of the common council in January, nineteen hundred and one, or as soon thereafter as may be the mayor shall appoint two fire commissioners, who with the two fire commissioners whose terms have not expired shall constitute the "board of fire commissioners" and be the head of the fire department. Two of such commissioners shall be selected from one of the two principal political parties then existing, and the other two shall be selected from the other of said principal political parties. One of the four commissioners shall be an honorably discharged fireman. Annually thereafter the mayor shall appoint two fire commissioners to serve two years. Such appointment shall be so made that all times the nonpartisan character of the board, as herein contemplated shall be preserved, and so that an honorably discharged fireman shall at all times be a member thereof. The terms of office of each of said other officers of the fire department shall be one year. The fire commissioners thus appointed

Officers of fire department and firemen.

Fire commissioners, appointment, etc.

Terms of office.

Organization.

Meetings,
rules, etc.

Not to be
interested
in pur-
chases, etc.

Clerk of
board.

Presenta-
tion and
approval of
claims.

Vote on ex-
penditures.

Contracts
for work.

Annual
estimate of
expenses.

shall meet within one week thereafter and organize by electing one of their number president. After organizing the board shall hold at least one regular meeting in each month, at the common council rooms, or at such other place as it may select. It shall make rules to govern its proceedings, and three commissioners shall be a quorum for the transaction of business at the meetings of said board. No fire commissioner shall receive compensation for his services, nor be interested in the purchase, sale or leasing of lands for the use of the fire department nor in the construction and repair of engine or other houses therefor, nor in the purchase or sale of apparatus, supplies or property of any kind for the use of the fire department. A wilful violation hereof shall be a misdemeanor. The city clerk shall be ex officio clerk of the board of fire commissioners. He shall attend the meetings thereof, keep full minutes of all its proceedings in proper books to be provided therefor, file and carefully preserve all accounts, papers and documents relating to the business of said department, and perform such other clerical services as may be required by the board. He shall not receive additional compensation for said services. All claims against said city growing out of or in any way arising from the operation, management and maintenance of the fire department, shall be presented to the board of fire commissioners for examination and approval before the same shall be presented to the common council for audit. The board shall not order the expenditure of any money or make any contract except by a majority of all its members, which vote shall be taken by yeas and nays and entered in the minutes. No expenditure or contract involving the expenditure of a sum in excess of two hundred and fifty dollars shall be made without the consent of the common council, and before the board shall enter into a contract for the performance of any work, the expense of which shall exceed the sum of two hundred and fifty dollars, it shall, after having obtained the common council's consent, cause a notice to be published in three successive numbers of the official paper, inviting proposals for the same, according to plans and specifications then on file in its office, and such contract shall be let to the lowest bidder, who shall furnish satisfactory security for its faithful performance, unless the board reject all bids therefor, which it may do. The board shall, on or before the first day of August in each year, make and present

to the common council a certified written estimate of the cost of maintaining and operating the fire department for the ensuing fiscal year, and the sum so certified, which shall not be more than eight thousand seven hundred dollars, shall be included in the next general city tax levy and constitute the "fire fund." The city treasurer shall pay money therefrom only as directed by the common council. The board shall not create any debt or pecuniary obligation or liability whatever against the city, on account of the fire department, or otherwise, which shall not be payable in the current fiscal year, and cannot be discharged and paid from the income of the same year; any fire commissioner wilfully voting therefor when said fund is exhausted shall be guilty of a misdemeanor. At some regular meeting of the common council in each of the months of March, June, September and December in each year, and at such other times as the common council may require, the board shall report in writing to the common council, showing the amount of money in the fire fund at the beginning and at the end of the three months next preceding the month in which said report shall be made, and the expenditure in detail made by the board during said period. Said March and September reports shall also state fully the condition of the department as to the efficiency and discipline of the several companies, the number and origin of the fires occurring during the year, and any other pertinent matters. They shall be accompanied by a complete inventory of all property of the department then on hand, with a statement of its condition. Said reports and inventory shall be filed with the city clerk, and said reports shall be immediately published by the common council as a part of its proceedings.

Creation of
debt
restricted.

Penalty.

Reports and
inventory
of board.

§ 231. The common council shall have power in each year to cause a sum not exceeding fifty-eight thousand, eight hundred dollars, to be raised by general tax in said city, whereof they may expend in each fiscal year for the several purposes hereinafter in this section specified, a sum not exceeding the amounts hereinafter severally designated therefor, namely: For the payment of the expenses of the police department, including the salary of the police justice, chief of police and policemen, rent of police stations and all other expenses thereof, twelve thousand five hundred dollars, to be known as the police fund. For the payment of incidental expenses of repairing and keeping in order

General
city tax.

For police
fund.

Highway
fund.

the highways, streets, sewers, open courts, squares, market places, lanes, alleys and public grounds, other than parks, ten thousand dollars, to be known as the highway fund. For the construction, maintenance and repair of crosswalks during each fiscal year, two thousand five hundred dollars, to be known as the crosswalk fund. For the construction, maintenance and repair of bridges, culverts and reservoirs, one thousand five hundred dollars, to be known as the bridge, culvert and reservoir fund. For the maintenance, repairing and keeping in order the public parks, six hundred dollars, to be known as the park fund. For the operation and maintenance of the fire department, such sums as shall in each year be estimated by the common council as necessary therefor, but not exceeding the sum of eight thousand seven hundred dollars, to be known as the fire fund. For the purposes of the board of health, one thousand five hundred dollars, to be known as the health fund. For the maintenance of the Flagler Hospital, one thousand dollars, to be known as "the Flagler Hospital" fund. For the purpose of providing public amusement the sum of four hundred dollars to be known as the public amusement fund. For the payment of the salaries of officers not otherwise provided for, rent of rooms for common council and city clerk, and rents not otherwise provided for, and the other contingent expenses of said city, sixteen thousand dollars, to be known as the salary and contingent fund; and in addition to the sum in this section first mentioned, the common council shall have power in each year in like manner to raise such sum as may be necessary, not exceeding ten thousand seven hundred and fifty dollars, to pay one-half of the expenses of the lighting and maintenance of the lamp district, in addition to the tax provided for in section one hundred and thirty-two, to be known as the street lighting fund; and also upon the real property within the water district such sum as shall in each year be estimated by the water board for the maintenance and operation of the water works of said city for the ensuing fiscal year, not exceeding five thousand dollars, to be known as the water fund; and also such sum as shall be estimated and certified by the board of education for the city of Lockport, in pursuance of chapter fifty-one of the laws of eighteen hundred and forty-seven, and the acts amendatory thereof, to be known as the school fund; and also in each year any sum necessary to

pay and satisfy any final judgments for money that shall have been recovered against said city, as provided by chapter five hundred and fifty-four of the laws of eighteen hundred and eighty. And also in each year such sums as may be necessary to pay all election expenses and the insurance, care, storage and repair of election booths, to be known as the election fund; also in each year any such sum necessary to pay the expenses of any appeal duly authorized by said common council, taken by the supervisors of the city of Lockport, or any of them, from any act or decision of the board of supervisors of the county of Niagara, in the equalization of assessments, and the correction of assessment-rolls, to the board of state assessors, and said common council may issue bonds, when necessary, to pay such expenses, prior to the raising of money to pay the same as herein provided. And in addition to the amount in this section first mentioned, the common council shall have power, whenever it may seem necessary, in like manner, to raise such sum as may be necessary, not exceeding two thousand five hundred dollars, to purchase and pay for a chemical fire engine, or to pay bonds issued upon the purchase thereof. The common council shall have power to purchase said chemical fire engine, and to issue bonds therefor, payable on November first next after the date thereof, with interest at four per centum per annum.

Judgments
against
city.

Election
fund.

Expenses of
appeals.

Issue of
bonds.

Chemical
fire engine.

§ 279. The term of all elective and appointive officers in said city in office when this act takes effect shall be extended so that the same will end December thirty-first, of the year in which such term of office would have expired and until the election, or appointment, and qualification of their successors.

Extension
of terms of
office.

§ 2. Sections ten and seventy-two of said act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 277.

AN ACT to authorize the county of Erie to provide for the removal of the bodies, monuments and gravestones from the old burial ground situate on the east side of Masten street, between Best and North streets, in the city of Buffalo, to provide a suitable place for the reinterment of said bodies, reinter the same, and to reset the monuments and gravestones, and to issue bonds therefor, and to acquire the title in fee to such grounds in the name of, and vest such title in the people of the state of New York, for use as a site for an armory for the Sixty-fifth Regiment National Guard.

Accepted by the city.

Became a law, April 4, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Acquisition
of cemetery
land.

Section 1. The board of supervisors of the county of Erie is hereby authorized and empowered, to take, subject to the approval of the armory commission of this state, for the purposes of a site for an armory for the Sixty-fifth Regiment of the National Guard, the private cemetery situate in said city and described as follows: Beginning at the northeast corner of North and Masten streets, and running thence northerly along the easterly line of Masten street about five hundred and seventy-eight feet to the south line of Best street; thence easterly along the south line of Best street about seven hundred and eighty-six feet to the easterly line of said cemetery lands; thence southerly along the easterly line of said cemetery lands about five hundred and seventy-eight feet to the north line of North street; thence westerly along the north line of North street about seven hundred and eighty-one feet to the place of beginning. The title to the land hereinbefore described shall be taken in the name of and vested in the people of the state of New York.

Title to vest
in state.

Resolutions
of intention
to take
lands.

§ 2. Whenever said board of supervisors of Erie county shall deem it expedient and for the public good to take the aforesaid lands, for the purposes aforesaid, it may by resolution declare such taking to be expedient and for the public good, and by resolution

declare its intention to take such lands, describing the same. Said resolutions shall be submitted to the armory commission, and if approved by said armory commission, the chairman of said board of supervisors shall apply to the supreme court at any special term thereof, held in the city of Buffalo, for the appointment of three commissioners to appraise the damages for taking said lands, and also to determine what damages, if any, will accrue to owners of lots by reason of the removal of the remains interred therein, and to perform such other duties as are required by section three of this act. Such application shall be based upon the proceedings of the board of supervisors, the approval of the armory commission, and the petition of the chairman of the board of supervisors, and notice thereof shall be given by delivering a copy of said petition with notice of such application, to any officer or trustee of the Buffalo Cemetery Association, at least ten days prior to the making of such application, and publishing notice of such application daily for ten days in the official paper of Erie county, and two other daily papers published in the county of Erie.

Application
for commis-
sioners of
appraisal.

Notice of
application.

§ 3. Upon the presentation of said petition and resolution and approval, with due proof of service of the petition and notice of application, and the publication of the notice as hereinbefore provided, the court before which such application shall be made shall hear all persons interested and determine as to the expediency and propriety of granting such application. If it shall deem the taking of such lands by said board of supervisors to be for the public good it shall appoint three reputable freeholders residents of the county of Erie and not interested in the lands to be taken who shall inquire into and determine what damages, if any, the several owners of lots in said cemetery will be entitled to by reason of the taking of said lands, and the probable cost of removing the remains of persons interred therein, the slabs, monuments, stones or other objects designating the place of burial of such persons and also the probable expense of reintering said bodies and resetting and replacing the monuments, stones, and slabs designating the place of burial aforesaid; but the damages for taking lands shall in every case be considered and reported apart from that of removal and reinterment of remains and the removal and resetting of monuments, slabs and stones. The said commissioners shall also award to persons entitled to the same such damages for taking, removal, reinterment and resetting separately.

Hearing of
application.

Appoint-
ment of
com-
missioners.

Report of
damages,
etc.

Oath
of commis-
sioners.

§ 4. Before proceeding to execute the duties of their office the said commissioners shall take and subscribe an oath that they will faithfully and honestly discharge the duties of the office according to the best of their ability, which oath shall be filed in the office of the clerk of the county of Erie. Upon the filing of such oath of office the said commissioners shall appoint a time and place for the first hearing before them and shall give notice by five days' publication in the official paper of Erie county, and two other daily papers of said county, of such hearing. The commissioners may adjourn their hearings from time to time as may be necessary. The proceedings before such commissioners shall be governed as far as possible by the provisions of the condemnation law.

Notice of
first
hearing.

Adjourn-
ments and
proceed-
ings.

Filing
of report.

§ 5. Upon the filing of the report of the commissioners the attorney for the board of supervisors shall communicate the fact of such filing, stating the whole amount of the awards to said board of supervisors. The said board may at or after the next regular meeting thereafter by resolution direct that the attorney for the board apply to the court for the confirmation of said report, or for the discontinuance or abandonment of said proceedings, and the attorney for the board shall comply with such resolution. Upon the coming in of the report of said commissioners the court may confirm the report or annul it, or refer it back to the commissioners or to new commissioners to be appointed by it. If the court shall confirm the report of the commissioners the order of confirmation shall recite the proceedings and describe the lands taken and shall be conclusive upon the board of supervisors and upon the owners of and all persons interested in the said lands. The order of confirmation shall be recorded in the office of the clerk of Erie county, and such record, or a copy thereof certified by the clerk, shall be evidence of the facts therein stated. The commissioners shall be paid by the county six dollars per day as compensation for their services, and the court may in addition allow the commissioner who drew up the report a reasonable compensation therefor not exceeding the sum of one hundred and fifty dollars.

Confirma-
tion of
report.

Compensa-
tion of com-
missioners.

Issue
of bonds.

§ 6. Upon the confirmation of the report of the commissioners the board of supervisors shall ascertain the amount of money required to pay the compensation awarded, and the cost of the proceedings, and is thereupon hereby authorized and directed to cause to be executed by its chairman and the treasurer of said

county, in behalf of and in the name of the county, from time to time as shall be necessary, interest bearing bonds in the amount or aggregating the amount required to pay said compensation and costs, the cost of lands purchased and taken in any cemetery in Erie county, pursuant to section eight of this act, and for the grading, filling, excavating, draining, paving, fencing, making sewer and water connections, and laying sidewalks in and about said land. The aforesaid bonds shall bear interest at the rate of not to exceed four per centum per annum, payable semi-annually, both principal and interest to be made payable at the office of the county treasurer of Erie county at the city of Buffalo, New York; one-third of said bonds shall be made payable in five years, one-third thereof in ten years, and one-third thereof in fifteen years from the date of their issue, or at such other periods as said board of supervisors may decide is for the best interests of said county, and the amount thereof and the semi-annual interest as it shall respectively become due thereon shall be raised in the several tax budgets of said county for the years when said bonds and semi-annual interest shall become due, and shall be applied to the payment of said bonds and interest. Said bonds shall be sold by the treasurer of the county of Erie to the highest bidder at a price not less than the par value thereof, after ten days' notice, specifying the time and place where bids will be received therefor, such notice to be published for five days in the official paper of the county of Erie and in such other manner as the board of supervisors shall direct. The proceeds of the sale of said bonds shall be retained by said county treasurer and shall by him be paid upon the order of the board of supervisors for the compensation awarded for said land, the cost of the proceedings, the cost of land purchased and taken in any cemetery in Erie county, the cost of removal and reinterment of bodies, and the removal and resetting of monuments, slabs and stones, and upon the written requisition of the armory commission for the cost of grading, filling, excavating, draining, paving, fencing, making sewer and water connections and laying sidewalks in and about said land. Within sixty days after the confirmation of the report of the commissioners, the board of supervisors shall make to the persons to whom compensation shall have been awarded by the commissioners, the compensation awarded to them respectively, except as hereinafter otherwise provided. In case any such person shall re-

Interest,
bonds, when
payable,
etc.

Sale
of bonds.

Application
of proceeds.

Payment of
awards.

fuse such compensation, or shall be unknown or incapacitated, or the right to the compensation be disputed or doubtful, the board of supervisors may pay the same into court with a statement of the facts and circumstances of the case.

Title to vest
in state.

§ 7. Upon paying either to the persons entitled thereto or into court the amounts separately awarded as damages for taking said lands, the title thereto shall vest in the people of the state of New York in fee. After the making of such payment the board of supervisors shall publish a notice twice a week for three weeks in the official paper and two other daily papers of said county requiring the former owners of lots in said cemetery to remove the remains of persons buried in such lots and to remove the monuments, slabs and stones on said lots, and suitably reinter such remains and reset such monuments, slabs and stones within thirty days from the first publication of such notice; such removal, reinterment and resetting shall in all cases be done under the supervision and subject to the orders of the board of health of the city of Buffalo, and when in any case the health commissioner of said city shall certify that the same has been properly accomplished the board of supervisors shall direct the payment or deposit in court of the further sum awarded in such case for that purpose.

Notice to
lot owners
to remove
remains,
etc.

Supervision
of removal,
etc.

Payment
of award.

Removal
and reinter-
ment of
bodies, etc.,
by super-
visors.

§ 8. After the expiration of said period of thirty days allowed in the last section for the removal and reinterment of bodies the board of supervisors shall cause the removal and reinterment of all such bodies then remaining in said cemetery lands and the reinterment of the same under the supervision and subject to the orders of the board of health of the city of Buffalo, and the removal and resetting of all monuments, slabs or stones therein. The expenses of such removal, reinterment and resetting incurred by said board shall be paid as far as possible from the sums awarded to the owners of lots from which the removal is made. The board of supervisors of the county of Erie is hereby authorized to purchase and take title to lands in one or more of the existing cemeteries of Erie county, at the election of the said board, in which shall be interred all the remains taken from the said cemetery under the provisions of this section. All monuments, slabs, stones or other marks of burial place in said cemetery shall be reset so as to preserve the identity of each body as far as possible, and where the remains of anybody are distinguishable the same shall be reinterred in a separate grave.

Resetting of
monu-
ments, etc.

§ 9. This act shall take effect immediately.

Chap. 278.

AN ACT to amend chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," and the acts amendatory thereof and supplemental thereto, in relation to the use of certain portions of public parks.

Accepted by the city.

Became a law, April 4, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three hundred and thirteen of chapter one hundred and five, of the laws of eighteen hundred and ninety-one, entitled, "An act to revise the charter of the city of Buffalo," is hereby amended so as to read as follows:

City
charter
amended.

§ 313. It shall be lawful for the said park commissioners to let from year to year, or for any term not exceeding ten years, any buildings and the grounds attached thereto which may be within the boundaries of said park, or parks, and the said park commissioners may sell any building improvements and product of said park or approaches, which in their judgment shall not be required for the purposes of said parks and approaches; and the proceeds of such leases and sales shall be deposited with the treasurer of said city to the credit of the park fund, which is hereinafter created; and such proceeds shall be used by the said commissioners for the improvement or maintenance of the said parks or approaches. It shall also be lawful for the said park commissioners to set apart to the Buffalo Fine Arts Academy, a corporation organized and existing under the laws of the state of New York, sufficient land for the construction thereupon of a permanent art building or buildings, and approaches thereto, said buildings to remain the property of said corporation, within that portion of said park or parks bounded on the east by Lincoln parkway or the extension thereof north to the bridge across the park lake, on the north by North Bay, on the west by Elmwood avenue, and on the south by the south boundary line of Delaware park, and to that end the said park commissioners are hereby authorized in their discretion to make and enter into a contract with

Leases and
sales of
buildings.

Proceeds,
how
applied.

Setting
apart land
to Buffalo
Fine Arts
Academy.

Contract
for use and
occupation.

the Buffalo Fine Arts Academy for the use and occupation of such lands within the boundaries of the said park or parks, by the said the Buffalo Fine Arts Academy and its successors; and said contract may provide among other things that such use and occupation shall continue so long as the said the Buffalo Fine Arts Academy, or its successors, shall maintain upon said land an art building or buildings which, with the general collection of works of art of said corporation, shall be free to the inspection and for the use of the public at all reasonable times; but it shall be lawful for said contract to provide for the suspension of such free public use and inspection during the Pan-American Exposition to be held in the city of Buffalo, and to provide for the temporary suspension of such free public inspection and use of any portions of such building which may be required from time to time for special exhibitions of works of art; and it shall be lawful for said contract to provide that no further buildings or encroachments of any kind shall be permitted upon that portion of the said park or parks within the boundaries above described, so long as the said art building shall remain upon the land to be set apart and occupied as herein provided.

§ 2. This act shall take effect immediately.

Chap. 279.

AN AOT appointing a committee to examine into the tenement house question in cities of the first class, and to report to the next legislature a code of tenement house laws.

Became a law, April 4, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appoint-
ment of
com-
mission.

Section 1. The governor of the state of New York is herewith authorized and empowered to appoint a commission to be known as the tenement house commission. Said commission shall elect a chairman and appoint a secretary; it may employ such counsel, assistants and experts from time to time as it may deem necessary. The total expense of the committee shall not exceed the sums hereinafter appropriated. It may fix the number of com-

Officers and
employes.

missioners necessary for a quorum, make rules for its government and direction of its work, and fill the vacancies in the commission caused by death or otherwise.

Quorum
and rules.

§ 2. The duties of said commission shall be to make a careful examination into the tenement houses in cities of the first class; their condition as to the construction, healthfulness, safety, rentals and the effect of tenement house life on the health, education, savings and morals of those who live in tenement houses, and all other phases of the so-called tenement house question in these cities that can affect the public welfare.

Duties
of commis-
sion.

§ 3. The commission shall have power to subpoena witnesses before it, with or without papers, by a subpoena signed by the chairman, to administer them oaths and to compel their attendance by attachment to be issued on the order of the commission and served by any policeman of said cities; witnesses shall be paid the fee paid witnesses in courts of record.

Power to
subpoena
witnesses,
etc.

§ 4. The members of the commission shall receive no compensation for their services, but the expenses and disbursements incurred by them in the discharge of their duties as said commissioners shall be paid. The commission shall have power to fix the compensation of its counsel and other employes.

Compensa-
tion and
expenses.

§ 5. Said commission shall make a full report of its work to the next legislature at its opening or as soon thereafter as practicable, with such recommendations as it deems wise to enable the best and highest possible condition for tenement house life in said cities to be attained, and the commission shall cease to exist when such report is made.

Report to
legislature.

§ 6. The sum of ten thousand dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated for the purpose of carrying out the provisions of this act. The expenses, disbursements, payment of counsel fees and compensation of other employes of the commission shall be made on the approval of the chairman of the commission and the audit of the comptroller.

Appropriation.

§ 7. This act shall take effect immediately.

Chap. 280.

AN ACT making appropriations for the dredging of Mill creek and the Narrows to Long creek, town of Freeport, Nassau county.

Became a law, April 5, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation.

Section 1. The sum of five thousand dollars is hereby appropriated for the purpose of dredging Mill creek, from the north side of Scotts wharf through the narrows to Long creek. Said creek and narrows are to be dredged an average width of twenty feet where possible and to a depth of four feet below mean low tide.

Payment.

§ 2. The money hereby appropriated for the purposes aforesaid, shall be payable by the state treasurer, on the warrant of the comptroller, to the superintendent of public works, to be expended for such purposes mentioned in section one of this act.

Plans, etc.

All the work done under this act shall be done in accordance with the plans, specifications and estimates prepared and approved by the state engineer and surveyor.

§ 3. This act shall take effect immediately.

Chap. 281.

AN ACT to amend section eight hundred and eighty-seven of the code of criminal procedure in reference to what persons shall be deemed vagrants.

Became a law, April 5, 1900, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight hundred and eighty-seven of the code of criminal procedure is hereby amended by adding thereto a subdivision to be numbered nine and to read as follows:

9. Every male person who lives wholly or in part on the earnings of prostitution, or who in any public place solicits for immoral purposes. A male person who lives with or is habitually in the company of a prostitute and has no visible means of support, shall be deemed to be living on the earnings of prostitution.

§ 2. This act shall take effect immediately.

Chap. 282.

AN ACT to make an appropriation for the Society for the Reformation of Juvenile Delinquents at Randall's Island.

Became a law, April 5, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The following sums are hereby appropriated from any moneys in the treasury, not otherwise appropriated, for the uses and purposes of the Society for the Reformation of Juvenile Delinquents at Randall's island: For additions and betterments to steam plant, and new dynamos and motors, twenty-five thousand dollars; for reconstructing sewerage system of the boys' department, eight thousand, five hundred dollars; for coal house of fifty per centum greater capacity than the one now in use, four thousand dollars; for paint shop and storehouse for ladders, trestles, and other apparatus, two thousand dollars; for enlargement of Trachoma building, and providing same with toilet and bathing facilities, two thousand dollars; for coal handling plant from pier to coal shed, one thousand, five hundred dollars; for new window frames, sash casings, et cetera, two thousand, five hundred dollars; for seven steel entrance gates, one thousand, five hundred dollars; for new locking system, two thousand dollars; for raking out and repointing main walls, one thousand, five hundred dollars; for the equipment of the gymnasium building, two hundred and fifty dollars; for slate treads throughout stairs of main building, six hundred dollars; and for the materials for the following work, the labor to be performed by the mechanics and inmates of the institution: Steel ceilings in basement of main building, one thousand, five hundred dollars; cement floor,

Appropriation for improvements.

basement of main building, seven hundred and fifty dollars; Georgia pine or maple floors for six dormitories and upper rotunda, one thousand, eight hundred dollars; reconstruction of punishment cells, one thousand, five hundred dollars.

Plans and specifications.

§ 2. The state architect shall prepare the plans and specifications for the board of managers, subject to the approval of the state board of charities, and superintend the erection of the buildings authorized by this act.

Contracts for work.

§ 3. Work under this act shall be done by contract, and no item of said appropriation shall be available except for advertising, unless a contract therefor, according to plans and specifications shall have been first made for the completion thereof within the appropriation therefor, and the performance secured by a satisfactory bond approved by the comptroller.

§ 4. This act shall take effect immediately.

Chap. 283.

AN ACT to amend section four hundred and seventy-one of the Greater New York charter in relation to the restriction on the power of the commissioner of water supply to contract for the supplying or selling of water for public or private use or consumption.

Passed without the acceptance of the city.

Became a law, April 5, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

Section 1. Section four hundred and seventy-one, chapter three hundred and seventy-eight, of the laws of eighteen hundred and ninety-seven entitled "An act to unite into one municipality under the corporate name of the city of New York the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond, and part of the county of Queens, and to provide for the government thereof," is hereby amended so as to read as follows:

Restriction on power to contract for water supply, etc.

§ 471. It shall not be lawful for the commissioner of water supply to enter into any contract whatever with any person or corporation engaged in the business of supplying or selling water

for public or private use and consumption, unless, preliminary to the execution of the contract, the assent of the board of public improvements and the approval of the board of estimate and apportionment together with the separate written consent and approval of both the mayor and the comptroller of the city of New York of the proposed contract in all its details, shall be given by resolution to the execution of such contract as submitted, and it shall not be lawful for the said city of New York or for any department thereof, to make any contract touching or relating to the public water supply, and especially the increase thereof, with any person or corporation whatsoever, save in accordance with the provisions and requirements of this act, which said provisions and requirements are hereby declared to establish the exclusive rule for the making of such contracts. All proceedings relating to the making or approval of any such contract may be reviewed by the appellate division of the supreme court in the first or second department, on the application of any resident taxpayer.

§ 2. This act shall take effect immediately.

Chap. 284.

AN ACT to amend the Greater New York charter, relative to the law department.

Accepted by the city.

Became a law, April 5, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and fifty-five of chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, entitled "An act to unite into one municipality under the corporate name of the city of New York, the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond, and part of the county of Queens, and to provide for the government thereof," is hereby amended so as to read as follows:

Charter amended.

Corporation
counsel.

Salary.

Duties.

§ 255. There shall be a law department of the city of New York, the head whereof shall be called the corporation counsel, who shall be the attorney and counsel for the city of New York, the mayor, the municipal assembly, and each and every officer, board and department of said city, except as otherwise herein provided. The salary of the corporation counsel shall be fifteen thousand dollars a year. The corporation counsel shall have charge and conduct of all the law business of the corporation and its departments and boards, and of all law business in which the city of New York is interested, except as otherwise herein provided. He shall have charge and conduct of the legal proceedings necessary in opening, widening, altering and closing streets, and in acquiring real estate or interests therein for the city by condemnation proceedings, and the preparation of all leases, deeds, contracts, bonds and other legal papers of the city or of, or connected with, any department, board or officer thereof, and he shall approve as to form all such contracts, leases, deeds, bonds and other legal papers; provided, however, that he shall not institute any proceeding for acquiring title to real estate by condemnation proceedings, except for opening streets, unless the same shall have been approved by the concurrent vote of all the members of the board of estimate and apportionment upon a statement to be furnished said board, of the valuation of such real estate as assessed for purposes of taxation; and provided, further, that the board of estimate and apportionment, shall have power by a majority vote to direct such changes to be made in the forms of contracts and specifications as may seem to promote the interests of the city. He shall be the legal adviser of the mayor, the municipal assembly and the various departments, boards and officers, except as otherwise herein provided, and it shall be his duty to furnish to the mayor, the municipal assembly and to every department, board and officer of the city all such advice and legal assistance as counsel and attorney in or out of court as may be required by them, or either of them, and for that purpose, the corporation counsel may assign an assistant or assistants to any department that he shall deem to need the same. No officer, board or department of the city, unless it be herein otherwise specially provided, shall have or employ any attorney or counsel. The corporation counsel, except as otherwise herein provided, shall have the right to institute

Right to
institute
actions, etc.

actions in law or equity, and any proceedings provided by the code of civil procedure or by law in any court, local, state or national, to maintain, defend and establish the rights, interests, revenues, property, privileges, franchises, or demands of the city, or of any part or portion thereof, or of the people thereof, or to collect any money, debts, fines, or penalties or to enforce the laws and ordinances. He shall be a member of the board of estimate and apportionment, and of the board of public improvements. He shall not be empowered to compromise, settle or adjust any rights, claims, demands or causes of action in favor of or against the city of New York, or to permit, offer, or confess judgment against the city, or to accept any offer of judgment in favor of the city without the previous written approval of the comptroller; and in case of any claim for a money judgment exceeding ten thousand dollars, or for relief other than in the nature of a money judgment, the previous written approval of the mayor shall be also necessary.

Ex officio
member of
board.

Power to
com-
promise
and settle
claims
restricted.

§ 2. This act shall take effect immediately.

Chap. 285.

AN ACT reducing the tax payable by the Manhattan East Side Mission of the city of New York, for the year eighteen hundred and ninety-five.

Accepted by the city.

Became a law, April 5, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The tax for the year eighteen hundred and ninety-five which was extended on the books of assessment of the county of New York for that year, at the sum of eleven hundred and forty-six dollars, on the assessed value of sixty thousand dollars against the Manhattan East Side Mission, a charitable institution located in the borough of Manhattan, New York city, is hereby reduced to the sum of two hundred and twenty-nine dollars and twenty cents, the same being the tax upon the assessed value of twelve thousand dollars for said year eighteen hundred and ninety-five and on payment of said sum of two hundred and twenty-nine dollars and twenty cents the excess of said tax for

Cancellation
of tax.

said year eighteen hundred and ninety-five over and above said sum of two hundred and twenty-nine dollars and twenty cents shall be cancelled.

§ 2. This act shall take effect immediately.

Chap. 286.

AN ACT to repeal chapter two hundred sixty-eight of the laws of eighteen hundred and seventy-seven entitled "An act in relation to the collection of taxes and the sales of land therefor in certain towns in Queens county" and the various acts amendatory thereof.

Became a law, April 5, 1900, with the approval of the Governor. Passed three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
repealed.

Section 1. Chapter two hundred sixty-eight of the laws of eighteen hundred and seventy-seven entitled "An act in relation to the collection of taxes and the sales of land therefor in certain towns in Queens county" as amended by chapter two hundred and twenty of the laws of eighteen hundred and seventy-eight and by chapter one hundred forty-nine of the laws of eighteen hundred and ninety-eight and all other acts amendatory thereof or supplemental thereto is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 287.

AN ACT to provide for the erection of a monument to the memory of Colonel Christopher Greene, Major Ebenezer Flagg, Lieutenant Abraham Dyckman and other revolutionary soldiers in the town of Yorktown, county of Westchester.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Com-
missioners for
erection of
monument.

Section 1. Asa Bird Gardiner, James M. Varnum, George W. Olney, Henry Barton Chapin, Henry H. Hollister, Charles H.

Russell, James Wood, W. J. Cumming, M. D. Raymond, Morris P. Ferris, David Cromwell, Franklin Couch, Charles M. Lane, Cornelius M. Pugsley, Chauncey M. Depew, Bashford Dean, and George Clinton Andrews are hereby appointed commissioners for the erection of a suitable monument to mark the place of burial of Colonel Christopher Greene, Major Ebenezer Flagg and Lieutenant Abraham Dyckman and other soldiers of the revolutionary army in the cemetery of the Yorktown Presbyterian church in the town of Yorktown, county of Westchester. No proceeding shall be taken for the purchase and erection of such monument unless the trustees of such cemetery shall give their consent to such erection.

Consent of
cemetery
trustees.

§ 2. Such commissioners shall perform the duties required of them by this act, without compensation therefor, except for actual disbursements incurred in the performance thereof. They shall expend the money hereby reappropriated for the sole purpose of erecting such monument, and shall render to the comptroller of the state an account of the moneys so expended duly verified by the presiding officers of such commissioners, or by a majority vote thereof.

Disburse-
ments.

Expendi-
ture of
money.

§ 3. The sum of two thousand dollars appropriated by chapter two hundred and twenty of the laws of eighteen hundred and ninety-eight, entitled "An act to provide for the removal of the remains of Colonel Christopher Greene and Major Ebenezer Flagg and the erection of a monument to their memory," no portion of which sum was expended for the purposes specified therein, is hereby reappropriated for the purposes specified in this act. The treasurer shall pay upon the warrant of the comptroller, issued upon the order of a majority of the commissioners such portion of the sum so reappropriated as may be necessary to carry out the provisions of this act.

Reappropri-
ation.

Payment by
comptroller.

§ 4. This act shall take effect immediately.

Chap. 288.

AN ACT making an appropriation for the completion, equipment and furnishing of the State Reformatory for Women at Bedford, Westchester county.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation for improvements.

Section 1. The following sums are hereby appropriated to the uses and purposes of the State Reformatory for Women at Bedford, Westchester county, from any moneys in the treasury not otherwise appropriated: For electrical equipment already provided for under chapter seven hundred and ninety-one of the laws of eighteen hundred and ninety-seven, but which appropriation has lapsed, seven thousand dollars; for new disciplinary building, five thousand dollars; for additional construction on water supply dam, made necessary by quicksand, five thousand dollars; for additional steam boiler of one hundred and twenty-five horse power, with connections, three thousand, seven hundred and fifty dollars; for constructing and grading service road to buildings, two thousand, five hundred dollars; for completing work on water supply, three thousand dollars; for a gate and guard house at the entrance of grounds, two thousand, five hundred dollars; for walks to buildings and dams, including necessary steps therein, two thousand dollars; for apparatus and equipment of laundry, two thousand dollars; for barbed wire fence around grounds, one thousand, two hundred and fifty dollars; for window guards, one thousand, two hundred dollars; for window shades, one hundred and fifty dollars; for mantels and grates, one hundred dollars; for miscellaneous repairs and alterations, one thousand dollars.

Plans and contracts.

§ 2. The work of construction herein authorized shall be done under the direction of the state architect, and upon plans and specifications prepared or approved by him. No part of the moneys hereby appropriated shall be available except for the necessary plans and advertising until after the execution of the several contracts for each of the items hereinbefore specified by a responsible party, or parties, for the completion of the several

items of said work at a cost within the amount of the appropriation for each said item of work, and the filing of said contract, or contracts, with the state comptroller, together with a proper and sufficient bond or bonds in such amount or amounts as shall be approved by him, and the filing of said bond, or bonds, with the comptroller.

§ 3. This act shall take effect immediately.

Chap. 289.

AN ACT to extend the time for the collection of taxes in the towns and cities of the county of Westchester, New York

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The time for the collection of taxes in the towns and cities of the county of Westchester is hereby extended to the first day of June, nineteen hundred, provided, however, that the receivers and collectors of taxes in the said towns and cities pay over all money collected by them on the first day of April, nineteen hundred, but nothing herein contained shall be construed as extending the time for the payment of the state tax or any part thereof by the county treasurer of said county, to the comptroller, as now provided by law.

§ 2. This act shall take effect immediately.

Chap. 290.

AN ACT to re-appropriate the unexpended balance of a former appropriation.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The unexpended balance of two thousand, two hundred, thirty-two and eleven-one hundredths dollars appropriated

by chapter three hundred and ninety-four of the laws of eighteen hundred and ninety-seven, being an act entitled "An act in relation to the library of the appellate division of the supreme court for the third department," is hereby re-appropriated to the same object and purposes as in the original appropriation.

§ 2. This act shall take effect immediately.

Chap. 291.

AN ACT making an appropriation for paying interest on the Canal debt.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of two hundred and fifty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the canal debt sinking fund, for the payment of the interest on the canal debt, as the same shall become due during the fiscal year beginning on the first day of October, nineteen hundred.

§ 2. This act shall take effect immediately.

Chap. 292.

AN ACT to amend the town law, in relation to the compensation of town officers.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and seventy-eight of chapter five hundred and sixty-nine of the laws of eighteen hundred and ninety, entitled "An act in relation to towns, constituting chapter twenty of the general laws," as amended by chapter two hundred and fifty-two of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

§ 178. **Compensation of town officers.**—Town officers shall be entitled to compensation at the following rates for each day actually and necessarily devoted by them to the service of the town in the duties of their respective offices, when no fee is allowed by law for the service, as follows:

1. The supervisor, except when attending the board of supervisors, town clerks, assessors, commissioners of highways, justices of the peace and overseers of the poor, each, two dollars per day, except that in the county of Monroe, assessors shall be entitled to three dollars per day.

2. If a different rate is not otherwise established as herein provided, each inspector of election, ballot clerk and poll clerk is entitled to two dollars per day; but the board of supervisors may establish in their county a higher rate, not exceeding six dollars per day.

§ 2. This act shall take effect immediately.

Chap. 293.

AN ACT to amend chapter one hundred and fifteen of the laws of eighteen hundred and ninety-eight, entitled "An act to provide for the improvement of public highways," in relation to the powers of the state engineer and surveyor.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twelve of chapter one hundred and fifteen of the laws of eighteen hundred and ninety-eight, is hereby amended to read as follows: Act amended.

§ 12. Upon the completion of such highways or sections thereof, so constructed by such engineer, and his acceptance of the same, and after payment has been made, as herein provided, such engineer shall inform the board of supervisors of such county that the highways or sections thereof designated have been constructed as herein provided, and he may serve notice on said board to accept such highway thus constructed, which notice shall be filed in the office of the clerk of said county; and twenty days after the service and filing of said notice, such highway or Duties of engineer upon completion of highways.

Acceptance and maintenance of highways.

section thereof shall be deemed accepted by said board of supervisors of such county; and thereafter they shall maintain the same as a county road, and apportion the expense as they may be empowered by law, and the commissioners of highways of the town or towns respectively wherein such improved highways lie shall care for and keep the same in repair, under the direction and supervision of the state engineer and surveyor and such rules and regulations as he may prescribe.

§ 2. This act shall take effect immediately.

Chap. 294.

AN ACT making appropriations for various purposes for House of Refuge for Women at Hudson.

Became a law, April 6, 1900, with the approval of the Governor. Passed by a majority vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation for improvements.

Section 1. The sum of forty-four thousand five hundred dollars, or so much thereof as may be necessary is hereby appropriated out of any money in the treasury not otherwise appropriated for the House of Refuge for Women at Hudson, to be expended in the manner provided by law, under the direction of the board of managers of said House of Refuge for the following purposes: For plumbing in cottages and in administration building, thirteen thousand five hundred dollars; for additional fire equipment, one thousand dollars; for reconstructing the prison building, nine thousand dollars; for building guard house for confinement of refractory inmates, six thousand dollars; for arrangement of upper room in the Industrial Building for physical exercise and for necessary apparatus and additional stairs, one thousand dollars; for carriage shed near gate house, four hundred dollars; for furniture and furnishings for rooms and offices, five hundred dollars; for new locks in cottages, five hundred dollars; for metal ceilings in administration buildings and cottages, two thousand dollars; for repairs to steam and electrical plants, sewerage and the protection of the power house, one thousand dollars; for repairing stables and buildings connected therewith, six hundred dollars;

for completion of drainage and grading begun, one thousand five hundred dollars; for repairing fences, five hundred dollars; for recreation ground and equipment, one thousand dollars; for general repairs, one thousand dollars; for sewerage disposal plant, five thousand dollars, or so much of the said several sums as may be necessary.

§ 2. The work of construction herein authorized shall be done under the direction of the state architect, and upon plans and specifications prepared or approved by him. No part of the moneys hereby appropriated, except the item for general repairs, one thousand dollars, and for furniture and furnishings for rooms and office, five hundred dollars, shall be available except for the necessary plans and advertising until after the execution of the several contracts for each of the items hereinbefore specified by a responsible party, or parties, for the completion of the several items of said work at a cost within the amount of the appropriation for each item of said work, and the filing of said contract, or contracts with the state comptroller, together with a proper and sufficient bond or bonds in such amount or amounts as shall be approved by him, and the filing of said bond or bonds with the comptroller.

Plans and
contracts.

§ 3. This act shall take effect immediately.

Chap. 295.

AN ACT to amend the town law, relating to the submission of propositions for the purchase of a site and the erection of a town house.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and ninety of chapter five hundred and sixty-nine of the laws of eighteen hundred and ninety, entitled "An act in relation to towns, constituting chapter twenty of the general laws," as amended by chapter five hundred and thirty-one of the laws of eighteen hundred and ninety-nine, is hereby further amended to read as follows:

§ 190. Town house.—The electors of any town in which there shall not be a town house, at any biennial town meeting, or at a special town meeting lawfully called by the town clerk, may vote by ballot any sum of money for the purchase of a site and the building of a town-house, or for the purpose of contributing to the erection of a building for the joint use of the town and of an incorporated village within its limits. A special town meeting shall not be called under this section within one year from the meeting at which a proposition for the purposes specified herein has been submitted. If such sum is not raised by tax in one installment the town board of such town may borrow the sum necessary to purchase such site and build such house by the issue of bonds to be signed by the supervisor and attested by the town clerk. Such bonds shall become due within twenty years from date of issue, and unless the whole amount of the indebtedness represented thereby is to be paid within five years from their date, they shall be so issued as to provide for the payment of the indebtedness in equal annual installments, the first of which shall be payable not more than five years from their date. They shall bear interest at a rate not exceeding five per centum per annum and shall be sold at not less than their par value. They shall be sold on sealed proposals or at public auction upon notice published in a paper printed in the town, if any, also in such other papers as may be designated by the town board and posted in at least five public places in the town, at least ten days before the sale, to the person who will take them at the lowest rate of interest. Such bonds shall be consecutively numbered from one to the highest number issued, and the town clerk shall keep a record of the number of each bond, its date, amount, rate of interest, when and where payable, and the purchaser thereof, or person to whom they are issued. The board of supervisors of the county may cause the sum so voted or the amount of any bonds issued for such purpose to be collected with the other expenses of the town.

§ 2. This act shall take effect immediately.

Chap. 296.

AN ACT to amend section twelve of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two entitled, "An act in relation to counties, constituting chapter eighteen of the general laws" in relation to the powers of boards of supervisors.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twelve of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two, entitled An act in relation to counties constituting chapter eighteen of the general laws, is hereby amended by adding a subdivision to section twelve of said act which shall read as follows: County law amended.

16. To raise by tax a sum not exceeding one thousand dollars in any year to aid in carrying out the provisions of the fisheries, game and forest law. Tax for carrying out game law.

§ 2. This act shall take effect immediately.

Chap. 297.

AN ACT to provide for the publication and distribution of the forest, fish and game law, as amended.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. As soon as practicable after the adjournment of the present session of the legislature, the forest, fish and game commission shall make a compilation of the forest, fish and game law, as amended at the date of such compilation, and properly index the same. Compilation of law.

§ 2. The legislative printer shall, under the direction of the clerks of the senate and assembly, print fifteen thousand copies of said law in pamphlet form of pocket size, and deliver the same Printing and distribution.

to the said clerks, who shall distribute them as follows, namely: ninety copies to each senator, forty-five copies to each assemblyman, and the balance to the forest, fish and game commission.

§ 3. This act shall take effect immediately.

Chap. 298.

AN ACT to amend the labor law, in relation to employees in the department of public buildings.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," as amended by chapter five hundred and sixty-seven of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

§ 3. Hours to constitute a day's labor.—Eight hours shall constitute a legal day's work for all classes of employees in this state except those engaged in farm and domestic service unless otherwise provided by law. This section does not prevent an agreement for overwork at an increased compensation, except upon work by or for the state or a municipal corporation or by contractors or subcontractors therewith. Each contract to which the state or a municipal corporation is a party which may involve the employment of laborers, workmen or mechanics shall contain a stipulation that no laborer, workman or mechanic in the employ of the contractor, subcontractor or other person doing or contracting to do the whole or a part of the work contemplated by the contract shall be permitted or required to work more than eight hours in any one calendar day except in cases of extraordinary emergency caused by fire, flood or danger to life or property. The wages to be paid for a legal day's work as hereinbefore defined to all classes of such laborers, workmen or mechanics upon all such public works or upon any material to be used upon or in connection therewith shall not be less than the prevailing rate for

a day's work in the same trade or occupation in the locality within the state where such public work on, about or in connection with such labor is performed in its final or completed form is to be situated, erected or used. Each such contract hereafter made shall contain a stipulation that each such laborer, workman or mechanic, employed by such contractor, subcontractor or other person on, about or upon such public work shall receive such wages herein provided for. Each contract for such public work hereafter made shall contain a provision that the same shall be void and of no effect unless the person or corporation making or performing the same shall comply with the provisions of this section; and no such person or corporation shall be entitled to receive any sum nor shall any officer, agent or employee of the state or of a municipal corporation pay the same or authorize its payment from the funds under his charge or control to any such person or corporation for work done upon any contract which in its form or manner of performance violates the provisions of this section, but nothing in this section shall be construed to apply to persons regularly employed in state institutions, or to engineers, electricians and elevatormen in the department of public buildings during the annual session of the legislature.

§ 2. This act shall take effect immediately.

Chap. 299.

AN AOT to authorize the city of Utica to borrow money for a new library building and to issue bonds therefor.

Accepted by the city.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The common council of the city of Utica is hereby authorized, as hereinafter provided, to borrow money and to issue the corporate bonds of the said city, for the sum of one hundred and sixty-five thousand dollars, for the purpose of erecting and furnishing a new public library building in said city. Issue of bonds.

§ 2. The said bonds shall be made payable at such times and in such amounts as may be ordered by the common council, but When payable, etc.

none of them shall run for more than thirty years. They shall be signed by the mayor and clerk and shall bear annual interest not exceeding four per centum.

Sale of
bonds.

§ 3. Such bonds shall be sold at not less than par, and the proceeds thereof shall be set apart by the treasurer of said city, as a separate fund, to be used by the trustees of the Utica public library for the purpose of erecting and furnishing a new library building. Any premium received for said bonds shall be paid into the special fund hereby created.

Tax for
principal
and inter-
est.

§ 4. The common council shall raise each year in the annual city tax levy, such sums as shall be necessary to pay the amount of principal and interest falling due during the ensuing year on the bonds provided for by this act.

Submission
of question
to electors.

§ 5. The question whether the said sum shall be borrowed and bonds issued shall be submitted to the electors of the city of Utica at the annual election to be held in the year nineteen hundred. Provision shall be made at such election so that each elector may by separate ballot vote "For new library building" or "Against new library building" and in canvassing the ballots the inspectors of election shall make a return of the number of such ballots in the same manner as they make returns of votes given for city officers, and if the number of ballots containing the words "For new library building" shall exceed those containing the words "Against new library building" it shall be the duty of the common council to borrow the money and to issue the corporate bonds of the said city for the sum of one hundred sixty-five thousand dollars in the manner and for the purpose herein provided, at such time as the trustees of the Utica public library shall fix. If the number of ballots containing the words "Against new library building" shall exceed those containing the words "For new library building," the powers hereby conferred upon the common council, the mayor and clerk or any other person or officers, shall thereupon cease and determine.

§ 6. This act shall take effect immediately.

Chap. 300.

AN ACT to provide for the disposition of highways constructed under and pursuant to authority of chapter four hundred and ninety-three of the laws of eighteen hundred and ninety-two.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Where a highway has been constructed by commissioners appointed by the supreme court pursuant to the authority contained in chapter four hundred and ninety-three of the laws of eighteen hundred and ninety-two, if the said highway shall be wholly within the limits of an incorporated village, upon the filing in the office of the clerk of the county in which such village is situated a certificate signed by said commissioners, or their successors in office, and acknowledged as deeds are required to be acknowledged to be recorded, setting forth that such highway has been constructed and completed, such highway shall thereupon become part of the highway system of said village, and said village shall thereafter be responsible for the care and maintenance of the same to the same extent as it is in respect to other streets in said village.

Certain highways may become part of village highway system.

§ 2. This act shall take effect immediately.

Chap. 301.

AN ACT to amend chapter one hundred and twenty-two of the laws of eighteen hundred and ninety-eight, entitled "An act to promote education in forestry, to encourage and provide for the establishment of a college of forestry at Cornell University, and making an appropriation therefor," relating to the disposition of proceeds from the sale of timber and otherwise.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seven of chapter one hundred and twenty-two of the laws of eighteen hundred and ninety-eight, en-

Act amended.

titled "An act to promote education in forestry, to encourage and provide for the establishment of a college of forestry at Cornell University, and making an appropriation therefor," is hereby amended so as to read as follows:

Disposition
of proceeds
of sales of
timber.

§ 7. All sums received by the university from the sale of timber or otherwise, under this act, shall be deposited on the first day of each month to the credit of Cornell University in such bank or banks as may be designated by the comptroller for that purpose. Each bank so designated shall file with the comptroller a bond in an amount and on conditions approved by him. The treasurer of Cornell University shall on or before the fifth day of each month file with the state comptroller a verified statement showing the amount of money so received and deposited when, from whom and for what received, and the day on which the deposit was made, and said statement shall have indorsed thereon a certificate of the proper officer of the bank that such deposit has been made. The money so deposited may be drawn by the treasurer on his check or draft countersigned by the comptroller for any amount included in an estimate approved as herein provided. The director of the New York State College of Forestry of Cornell University shall on the first day of each month file with the comptroller an estimate and detailed statement of all moneys that will in the judgment of such director be required in that month for the administration of the trust committed to Cornell University under this act in connection with the forest lands. The comptroller may revise and reduce the estimate and shall fix the amount which may be drawn thereon. At the end of the period for which the trustees of Cornell University hold title to said forest lands they shall render a full account of said fund to the comptroller of the state of New York, and all balances, if any then remain, shall be paid over to the state treasurer.

Monthly
estimate to
comptrol-
ler.

Account of
fund at end
of period.

§ 2. This act shall take effect immediately.

Chap. 302.

AN ACT authorizing the board of supervisors of Niagara county to audit and pay the publishers of the Niagara Courier and the Union-Sun Publishing Company for publishing the Niagara county official canvass for eighteen hundred and ninety-nine.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of supervisors of the county of Niagara is hereby authorized and empowered to audit and pay to the proprietors of the Niagara Courier and the Union-Sun Publishing Company a sum not exceeding one hundred and fifteen dollars each, to reimburse them for publishing the Niagara county official canvass for the year eighteen hundred and ninety-nine, pursuant to the direction of the clerk of the county of Niagara.

§ 2. This act shall take effect immediately.

Chap. 303.

AN ACT to change the name of the "Second Baptist Church of Elba, New York," to "First Baptist Church of Elba, New York."

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The name of the "Second Baptist Church of Elba, New York," a religious corporation, is hereby changed to "First Baptist Church of Elba, New York," and as such shall enjoy and exercise all the rights and powers it has heretofore possessed.

§ 2. Nothing herein contained shall in any way impair or affect any contract, liability, obligation or duty of said corporation, made, entered into, or incurred before the passage of this act, with or to any person or persons, corporation or corporations, or of any person or persons, corporation or corporations, with or to

Name
changed.

Contract,
etc., not
affected.

said corporation, or any proceedings instituted, or that may be instituted to enforce any contract, obligation, liability or duty in favor of or against said corporation; but any and all such contracts, obligations, liabilities, duties and proceedings shall be and remain valid and binding in all respects to the same extent and liable to be enforced by and against said corporation by the name of the "First Baptist Church of Elba, New York," in the same manner as if the alteration contained in this act had not been made.

§ 3. This act shall take effect immediately.

Chap. 304.

AN ACT to amend chapter two hundred and twenty-nine of the laws of eighteen hundred and seventy-nine, in relation to the collection of taxes in the counties of Cattaraugus and Chautauqua.

Became a law, April 6, 1900, with the approval of the Governor. **Passed**, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Sections thirteen, fifteen, twenty-two and twenty-six of chapter two hundred and twenty-nine of the laws of eighteen hundred and seventy-nine, entitled "An act in reference to the collection of taxes in the counties of Chautauqua and Cattaraugus," are hereby amended to read as follows:

Redemp-
tion of land.

§ 13. The owner or occupant of any land sold for taxes as aforesaid or any other person having an interest therein at the time of the sale, may redeem the same at any time within two years after the last day of such sale, by paying to the treasurer of the county in which the lands so sold are situated, for the use of the purchaser, his heirs or assigns the sum mentioned in his certificate, with interest thereon at the rate of eight per centum per annum from the date of such certificate. The applicant upon such redemption shall produce and file in the office of the said treasurer an affidavit showing his right to make such redemption.

§ 15. Every such conveyance shall be executed by the treasurer of the county in which any sale shall be made under this act, under his hand and seal, and the execution thereof shall be acknowledged before a proper officer the same as other conveyances of lands are executed and acknowledged under the laws of the state; and such conveyance shall be presumptive evidence that the sale was regular, and that all proceedings prior thereto from and including the assessment of the land, and all notices required by law to be given previous to the expiration of the two years allowed to redeem were regular according to the provisions of this act, and all laws directing or requiring the same or in any manner relating thereto. After two years from the date of such conveyance such presumption shall be conclusive.

Conveyance, how executed, &c.

Evidence of conveyance.

§ 22. The occupant or any other person having an interest therein at the time of the sale, may at any time within the six months mentioned in such notice, redeem the said land by paying into the treasury of the county in which it is located, such consideration money, with the addition of thirty-seven and one-half per centum thereon, and the amount that shall have been paid for the deed. The applicant upon such redemption shall produce and file in the office of said treasurer an affidavit showing his right to make such redemption. Every such redemption shall be as effectual as if made before the expiration of the two years allowed to redeem.

Redemption of land within six months.

§ 26. The occupant of any such lot or any other person having an interest therein at the time of the sale, may at any time before the service of said notice by the purchaser, or the person claiming under him, and within two years after the expiration of the two years allowed by law for the redemption thereof and not thereafter redeem any land so occupied by filing in the office of the treasurer of the county in which such land is located, satisfactory evidence of the occupancy required, and by paying to such treasurer the consideration money for which the land to be redeemed was sold, with thirty-seven and one-half per centum thereon together with the sum paid for the deed if any. In case of failure to redeem within the time herein specified, the sale and conveyance thereof shall become absolute and the occupant and all other persons barred forever.

Redemption of land before service of notice and after time for redemption.

§ 2. This act shall take effect immediately.

Chap. 305.

AN ACT to amend chapter three hundred ninety-six of the laws of eighteen hundred eighty-five, entitled "An act to revise the charter of the city of Dunkirk," and the acts amendatory thereof and supplementary thereto.

Accepted by the city.

Became a law, April 8, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City charter amended.

Section 1. Section eight of title seven of chapter three hundred and ninety-six of the laws of eighteen hundred and eighty-five, entitled "An act to revise the charter of the city of Dunkirk," is hereby amended so as to read as follows:

General city tax.

§ 8. The common council of said city shall have power to raise, levy and collect, by general tax, upon the taxable property in said city, within each of the political years as hereinafter defined, such sum or sums of money as shall be required to pay the salaries and for services of the several officers, agents and servants of said city chargeable to said city; to pay the necessary expenses of opening, working and repairing streets, highways, lanes and alleys in said city not otherwise provided for by this act; to pay the expense of supplying the said city with water not otherwise provided for by law; to pay the costs and expenses of enclosing and improving the public grounds of said city and sidewalks along such grounds; to pay the costs and expenses of purchasing and repairing, renewing and preserving fire engines and other machinery, apparatus, and appliances for the extinguishment of fire; to pay the cost and expense of building, insuring, renewing and keeping in repair engine and other houses and buildings, of said city, and to pay the rent of buildings leased by them; to pay the cost and expense of purchasing and laying gas-pipe and of purchasing and setting lamp posts, and of purchasing, repairing and renewing lamps and other fixtures for lighting the public buildings and the streets and public grounds of said city; to pay the cost and expense of gas and other material for the lighting of the public buildings, the public streets and the public grounds of said city; to pay the cost and expense attending the purchase

of grounds for a market and the construction of suitable buildings and other erections thereon and for the improvement and protection thereof; to pay the cost and expense of erecting and maintaining, renewing and preserving buildings for the protection and preservation of the property of the city; to pay the cost and expense of furnishing and heating the council room, engine-houses, public halls, offices, jails and other public buildings of said city; to pay the expenses connected with the fire department of said city, and to pay all other costs and expenses incident to the good government of said city and to the management of its affairs not otherwise provided for by this act. Conditioned, however, that the whole amount so raised for the purposes aforesaid shall not exceed the sum of twenty thousand dollars in any one political year, and shall be known as the general fund. The money which said common council is authorized by this section to raise by general tax, as aforesaid, is so authorized to be raised to pay the cost and expenses which accrue between the first day of January in any one year and the following thirty-first day of December of the same year, and the said period beginning with the first day of January and ending with the thirty-first day of December of the same year, shall for the purposes of this act, be known as the "political and fiscal year of said city of Dunkirk." The words "public buildings" and "public grounds," as used in this section do not include any school buildings or any grounds connected with such buildings.

Limitation

Political
and fiscal
year.Words used
defined.

§ 2. Section fourteen of title thirteen of said chapter three hundred and ninety-six of the laws of eighteen hundred and eighty-five as amended by chapter three hundred and three of the laws of eighteen hundred and ninety-four, as amended by chapter seven hundred and forty-eight of the laws of eighteen hundred and ninety-five is hereby amended so as to read as follows:

§ 14. Hereafter all expenses attending the sweeping and cleaning of all paved and macadam streets in said city shall be paid for from the special street improvement fund. Whenever it shall be deemed necessary by the common council to improve and repair any of the streets of said city that are not paved or macadamized, otherwise than by paving or macadamizing, or than by constructing bridges or culverts therein, said common council is hereby authorized and directed to cause the same to be done and to pay the entire cost and expense thereof out of the general

Sweeping
and cleaning
streetsImprove-
ment of
unpaved
streets.

fund of said city. The street commissioner shall have charge of the work so ordered, and it shall be his duty to keep an accurate account of the cost of said work and report the same, when completed, to the common council. The current cost of the construction and repairs of all bridges and culverts shall be paid for from the general fund, but the said current cost of any bridge or culvert hereafter constructed or repairs to the same may, in the discretion and at the option of the common council, be added to the amount hereby authorized to be raised for the general fund and collected with the next succeeding general tax to reimburse said general fund on account of the expenditures so made, and all bridges or culverts hereafter built in said city shall be constructed of iron, steel or stone, or a combination of the two or all of such materials. The common council of said city are hereby authorized to purchase for and on account of said city a suitable steam roller and stone crusher at an expense not exceeding the sum of six thousand five hundred dollars, and for the purpose of paying for the same said common council are hereby authorized to borrow in the name of said city such sum or sums of money as shall be necessary to pay the expense thereof and for the payment of such loan to issue the bonds of said city in such amounts as they shall deem proper, not exceeding the total amount of said expenses, payable at such time or times not exceeding four years, as they shall determine, for the payment of which said bonds said city shall be fully liable according to the terms thereof. Such bonds shall be upon interest not exceeding four per centum per annum, payable annually, and the said common council shall each and every year after the issue of said bonds, and until the same are fully paid, levy and collect with the general tax of said city and in addition thereto such an amount of money as shall be sufficient and necessary to pay such principal and interest as shall accrue and become due on account thereof for the next ensuing year. The common council is hereby authorized to annually expend a sum not exceeding one thousand dollars from the general fund, and to add such amount to the next annual tax to reimburse said general fund for the purpose of improving and beautifying Light-house Park in said city.

§ 3. Section four of title fifteen of said chapter, as amended by chapter three of the laws of eighteen hundred and ninety is hereby amended so as to read as follows:

Bridges and
culverts.

Purchase of
steam roller
and stone
crusher.

Issue of
bonds.

Tax for
interest and
principal.

Light-house
Park.

§ 4. The cost and expense of any and all sewers constructed under the authority of this title shall be charged upon and collected from the property adjoining the street in which such sewer is constructed pro rata, share and share alike, in proportion to the number of feet which each owner has of frontage on that portion of the street through which said sewer is laid, subject, however, to the provisions herein contained, except as provided hereinafter. When property abutting upon intersecting streets shall have already been or shall be assessed for a sewer or sewers opposite one of its abutting street fronts, it shall be held exempt from assessment for any sewers laid in the other intersecting street for a distance back from such intersecting street of not more than one hundred feet. The intention hereby being to exempt that side of a corner lot next adjacent to the sewer last constructed to the extent of said one hundred feet providing another side of such lot shall be or have been assessed for a sewer abutting thereto. The expense of laying such sewer upon intersecting streets shall be borne pro rata, share and share alike, by the number of remaining feet or foot frontage upon each and every block except as hereinbefore provided for the cost of laying said sewer across street intersections.

Expense of
sewers, how
charged
and col-
lected.

Exemption
of certain
property
from assess-
ment.

Expense of
sewer upon
intersecting
street.

§ 4. Sections eight, nine, ten, eleven, twelve and thirteen of title fifteen of said chapter, which sections were added to said title by chapter seven hundred and forty-eight of the laws of eighteen hundred ninety-five are hereby repealed.

§ 5. Section ten of title twenty-five of said chapter is hereby amended so as to read as follows:

§ 10. The common council of the city of Dunkirk is hereby authorized and directed to annually appropriate and pay, from the surplus moneys received by said city under this title and remaining in its hands after the payment of the necessary expenses incurred in the maintenance of the police and poor departments of said city, to the free public library in said city, conducted by the Young Men's association so long as the same shall remain a free public library the sum of twelve hundred and fifty dollars. The twelve hundred and fifty dollars for the year nineteen hundred shall be paid on or before May twentieth, nineteen hundred. Each subsequent annual payment shall be made on or before the twentieth day of May in each subsequent year. In the event of the said surplus of said moneys remaining in the

Annual ap-
propriation
for free
public
library.

hands of the said city for any one year after the payment of the said necessary expenses incurred in the maintenance of the poor and police departments of said city together with the payment of the amount in the preceding section provided for to the Brooks Memorial hospital, be insufficient to pay this sum of twelve hundred and fifty dollars for said library, then and in that case the common council of the city of Dunkirk is hereby authorized and directed to make so much of said payment of twelve hundred and fifty dollars as shall remain unpaid after the application of the above mentioned surplus, out of the general fund of the said city, and the said common council is hereby authorized and directed to add the amount which it shall pay out of the general fund in any one year in virtue of this appropriation, to the next annual city tax to be collected for the purpose of reimbursing said general fund for such expenditure.

Public act.

§ 6. This act is hereby declared a public act and shall take effect immediately.

Chap. 306.

AN ACT to amend the county law, in relation to the salary of the surrogate of Chautauqua county.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision six of section two hundred and twenty-two of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two entitled "An act in relation to counties, constituting chapter eighteen of the general laws" is hereby amended to read as follows:

6. Chautauqua	2,000 00	2,000 00
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§ 2. This act shall take effect January first, nineteen hundred and one.

Chap. 307.

AN ACT to provide for the payment of the expense of improving Delaware road, (so-called,) in the town of Tonawanda in Erie county.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The town board of the town of Tonawanda is hereby authorized and empowered to ascertain, itemize, adjust and spread upon its records:

Ascertain-
ment, etc.,
of expenses.

1. The expenses which have been made or incurred and remaining unpaid on account of the improvement of the Delaware road from the city of Buffalo to the village of Tonawanda through said town, made in eighteen hundred and ninety-three and eighteen hundred and ninety-four, by grading, draining, curbing and paving the same; in re-assessing the expense of the improvement under chapter eight hundred and sixteen of the laws of eighteen hundred and ninety-five; in all suits and legal proceedings concerning the validity of the assessment and re-assessment made on account of said improvement; in proceedings concerning proposed legislation affecting said assessments, or either of them; in proceedings for the sale of lands assessed on account of said improvement, including fees of members of the town board in attendance at meetings thereof, fees of the supervisor of said town for sales of property assessed, costs of publication of notices, fees of engineers and surveyors employed in making said re-assessments; and the fair and reasonable value of the services of legal counsel employed by the town in any or all of said matters; also the reasonable expenses which may be incurred in exercising the powers conferred by this act, and the expenses of all other matters and proceedings concerning said improvement proceedings, or anything appertaining thereto.

2. The names of all persons and corporations who have made any payment to apply on the original assessment or re-assessment, aforesaid, made on account of said improvement, and the amount paid by each, including principal, interest, fees and penalties, and a description of the property on account of which the same was paid.

Names of
persons
assessed,
etc.

Issue of
bonds for
expenses,
etc.

§ 2. The town board is hereby authorized to issue bonds of said town in amounts sufficient with the money now on hand to the credit of the Delaware road improvement fund:

1. To secure the money necessary to pay the expenses mentioned in section one;

2. To issue in exchange for bonds issued and now outstanding on account of said improvement, as hereinafter more particularly specified;

3. To pay any judgment which may be recovered against said town on account of any of said bonds or coupons now outstanding, issued on account of said improvement.

Resolution
authorizing
issue.

All bonds issued under this act shall be payable on January first, nineteen hundred and twenty-one, with interest at and after the rate of three and one-half per centum per annum from their respective dates, payable semi-annually. Before any such bonds shall be issued, a resolution authorizing the same shall be passed by the board and entered in the record of its proceedings, upon a call of the names of its members, and the vote of each shall be recorded; such resolution shall state the cause or debt for which said bond or bonds are to issue, and the items thereof, and shall specify the date and amount of each bond, and if to be issued for existing bonds the numbers and amounts of the retiring bonds and the name of the person or persons with whom the exchange is being made. When bonds are exchanged the retiring bonds and coupons shall be produced and cancelled and the new bonds shall be executed and delivered concurrently in the presence of the town board, and in an open meeting thereof; each said bond shall recite that it is issued under this act; they shall be numbered consecutively and be for such sums as the board may fix, but all said sums shall not exceed in the aggregate the amounts to be adjusted in the manner and for the purposes specified herein; said bonds shall have interest coupons attached; each bond shall be signed by the town clerk and delivered to the supervisor who shall countersign the same.

Cancellation
and
issue of
bonds.

Exchange
of bonds
with state
comptrol-
ler.

§ 3. The said town board are* authorized to issue and deliver to the comptroller of the state of New York in exchange for, and in satisfaction of, all bonds and coupons issued by said town and of which the state of New York has become the owner, bonds in the form prescribed in section three of this act for the sum of

*So in the original.

eighty thousand dollars, and the comptroller is hereby authorized and directed to surrender to said town board all such bonds and coupons, of which the state has become the owner, upon receiving said new bonds for the amount of eighty thousand dollars with interest coupons as aforesaid, annexed.

§ 4. The said town board are* also authorized to issue to each and every holder or owner of any of the bonds of said town heretofore issued on account of said improvement, on surrender and satisfaction of such bonds and of all the unpaid coupons, said new bonds in amounts not to exceed a sum equal to the principal sum mentioned in said existing bonds to be surrendered as aforesaid.

Issue of
bonds to
holders
thereof.

§ 5. If it shall become necessary in order to obtain money to pay the expenses mentioned in section one of this act, as the same have been or may be adjusted by said board, or to pay any judgment which may be recovered against said town on account of said improvement, or of the bonds heretofore issued on account thereof, or of anything appertaining thereto, the town may issue and sell bonds to obtain the sum, but no such bonds shall be sold for less than their par value; the town board may issue and deliver such bonds in satisfaction of any of said claims if accepted at their par value.

Issue and
sale of
bonds to
pay ad-
justed ex-
penses.

§ 6. All real property in the town of Tonawanda, in Erie county, taxable under the general laws and not within the boundaries of any public highway, situate within the following boundaries, to wit: Bounded northerly by the south line of the village of Tonawanda, southerly by the northerly boundary of the city of Buffalo, easterly and westerly by parallel lines running parallel with a line projected along the center of said Delaware road, as now paved between said city and village and two thousand feet distant from said center line on each side thereof, is hereby designated and made a separate tax district, and all taxable real property lying within said district except as aforesaid, is deemed and declared to have been specially benefited by the grading, draining, paving and curbing of said road by said town, and the town board thereof as aforesaid.

Separate
tax district

§ 7. The town board within ten days from the time this act becomes a law shall employ a competent engineer and surveyor and instruct him, and it shall be his duty to proceed with all reason-

Engineer
and sur-
veyor.

Survey and
map of tax
district.

able diligence to make a full, accurate and complete survey of all the taxable real property in said tax district, and a map of all said property which shall show the location and boundaries of each separate piece of real estate and taxable property within said district and the name of the owner thereof according to his best knowledge, information and belief; the courses and distances of all boundary lines of said lots and parcels of land shall be accurately and plainly indicated on said map; each of the different lots and parcels of land and taxable property shall be consecutively numbered; as soon as said map shall have been completed by said surveyor it shall be delivered by him to the town clerk of said town. Said town board shall thereupon cause to be made an assessment schedule headed "Assessment Schedule of lands and property within the Delaware road tax district." This schedule shall be divided into separate columns; the first column thereof shall contain the number by which each of said lots or parcels of land and property shall be distinguished on said map; the second column thereof shall contain the name and post office address of the reputed owner of said parcel, if the same shall be known to the board; the third column thereof shall contain, expressed in decimals, the proportionate amount of the entire benefit of said improvement to the said entire tax district which has been conferred upon said lot or parcel of land or property in the judgment or opinion of said board; and room for four additional columns; said assessments schedule and map shall be annexed, and shall constitute the assessment roll.

Notice of
hearing
on assess-
ments.

§ 8. As soon as said assessment roll shall be made it shall be the duty of said board to cause notice to be published in one or more newspapers to be designated by said board, as most likely to give notice to persons interested, that said assessment roll has been completed and that at a time and place to be specified therein, the board will meet, hear and consider any objection which may be made to said roll; said notice shall be published once a week for at least two weeks preceding said meeting; at the time and place which shall have been so specified, the board will meet and hear and consider all objections to said assessment roll, and may change or amend the same, or any part thereof, which they may deem it necessary or just to change or amend; the board may affirm and adopt the same as originally proposed, or as amended, or changed, or may annul the same and

Hearings
and correc-
tion of roll.

proceed anew and prepare another roll, in which case, when completed, they shall proceed to give notice and hear and consider objections thereto as in the first instance, and shall possess the same powers as in the first instance to review, correct, amend and affirm the same; each said hearing may be adjourned from time to time as may be necessary.

§ 9. Any person, firm, association, or corporation, interested, and who shall consider himself aggrieved by the action of the board, may, within twenty days thereafter have a writ of certiorari for a review of the decision or action of the board, from the supreme court, pursuant to the general procedure and practice in said court. The court may review the action of the board, and if it decide that any error or injustice has been committed, may annul the proceedings and direct the board to proceed in the matter de novo, or may specify the correction which should be made, and compel such correction by the board; and the court may, in its discretion, upon or after granting the writ, stay the proceedings of the board upon motion of the petitioner, and upon such security or conditions and notice to the board, as may seem proper, until the final decision upon the petition.

Writ of certiorari to review decision of board.

Powers of court.

§ 10. When the assessment roll shall have been finally adopted by said board the town clerk shall cause the same to be permanently bound in covers and shall include therein at least fifty stubs on which maps of subdivisions may be from time to time pasted; said roll shall at all times be kept in the town clerk's office open to examination by all persons who may be interested therein.

Roll to be bound and open to inspection.

§ 11. When all bonds and coupons which have heretofore been issued on account of said improvement shall have been surrendered and cancelled or otherwise satisfied; the town board shall aggregate and determine the amount of the principal and interest of the bonds which shall be issued under this act, and the amounts which shall have been paid for principal, interest, fees and penalties on assessments heretofore made on account of said improvement. One-fifth of said aggregate amount shall be levied on the taxable property in the town of Tonawanda and included in the annual tax levy of said town by the board of supervisors of the county of Erie who shall, in and by their warrant to be annexed to the annual tax roll, direct the collector of said town to pay said amount to the supervisor of said town to be by him applied par-

Town board to determine amount of bonds, etc.

Levy of tax upon property in town.

suant to the provisions of this act; it shall be the duty of the supervisor of the town annually and before the tax levy of said town shall be adjusted and imposed, to report to said board the amount of money necessary to be raised in said town that year, to pay said one-fifth of said amounts; the town board shall assess four-fifths of said aggregate amount upon the real property taxable under the general laws and within the tax district mentioned in section six of this act and for that purpose the town board shall then add a fourth column in the assessment roll schedule and shall set down therein opposite the number of each parcel of land and property its just proportionate share of the remaining four-fifths of said aggregate amount, excluding interest on the bonds to be issued; if the amounts which shall have been paid on account of any said parcel on or by reason of any assessment heretofore made as aforesaid and payments, if any, made pursuant to the provisions of this act, shall equal or exceed the proportionate share of said sum set down against the same as aforesaid, the board shall cause to be written opposite the same "fully paid," which entry shall operate as a discharge of said parcel from said assessment and from all liens on account of said improvement, and the town board shall within six months thereafter pay the excess, if any, to the county treasurer of the county of Erie and at the same time deliver to said county treasurer a certificate giving a brief description of the parcel of land or property to which such payment relates and stating the number or numbers of said parcel of land or property as indicated upon the assessment roll and the name or names of the owner or owners of said parcel of land or property as the same appear upon said roll. This payment shall operate as a payment into court and the supreme court may, upon petition of any person interested and after such notice as it may prescribe, determine to whom the same shall be paid and direct the payment thereof. If the amount which shall have been paid as aforesaid on account of any parcel be less than the full amount set down in said added column, the amount so paid shall be credited to said parcel and only the amount of the deficiency shall be left standing against said parcel as its proportionate share of the principal sum to be assessed against the same. In case of any such payment which shall have been made by any person or corporation on any such previous assessment upon any parcel of land or property which shall be

Assessment upon property within tax district.

Entry when previous payments exceed or equal assessment.

Payment of excess into court.

Credit of payment to parcels.

Disposition of excepted previous payments.

excepted from the new assessment roll, then the whole amount of such previous payment shall be paid into court in the manner above provided. The said town board shall then add three more columns to said assessment schedule, and in the first of such columns shall set down the amount of principal to be collected from each such parcel of land or taxable property, and in the second of such columns the amount of interest to be so collected, and in the third of such columns they shall set down in decimals opposite the number of each parcel of land and property its just proportionate share of the total amount of the principal and interest to be collected as determined by the preceding columns.

Additional
columns to
assessment
schedule.

§ 12. When said additional columns shall have been completed and the entries made therein in the assessment schedules, the town clerk shall in a book to be provided for that purpose by the town board, open an account with each parcel of land and property included in said assessment in the following form: "Parcel No. — in account with the Delaware avenue improvement fund," the number of the parcel being indicated in the blank space. He shall then debit the parcel with the amounts chargeable against the same, and credit it with all sums to which it is entitled to be credited under the provisions of this act; a like account in like form shall be kept with every subdivision lot into which any of the main parcels may be divided.

Accounts to
be kept
with each
parcel of
land.

§ 13. From time to time as it becomes necessary to collect moneys within said tax district for the purposes authorized by this act, the town board shall cause two copies of the original assessment schedules to be made, adding a column in which shall be set down opposite the number of each lot or parcel of land or property its just proportionate share of the amount to be raised as indicated by said assessment schedule. If it becomes necessary to make said collection before the assessment schedule shall have been fully completed in the form mentioned in section eleven hereof, the amounts to be raised shall be apportioned in accordance with the third column of the schedule and the amounts so collected included in the adjustments to be made under the eleventh section hereof. A copy of the resolution directing the levy and collection of the amount, shall be certified by the town clerk and attached to one of these copies of the assessment schedule and delivered to the supervisor, which shall

Copies of
assessment
schedules
for collec-
tion of
assessment.

Warrant for
collections.

constitute his warrant for the collection of the amounts to be specified therein; the other copy thereof shall be carefully filed and preserved by the town clerk for reference; the supervisors^a shall return to the town board the copy delivered to him as aforesaid, with the manner of his execution thereof, as soon after receiving the same as the same can conveniently be returned, but at all events at the expiration of his term of office, when, if not fully executed, it shall be delivered to his successor for execution.

Return to
town board.

Lien of
assessments
within tax
district.

§ 14. All assessments authorized by this act within said tax district shall become and be a lien upon the lot or parcel of land or property upon which the same are assessed, at and from the time that the same becomes payable, prior and superior to all other claims, estates or interests therein, and in lien and instead of all assessments which have heretofore been made or assessed upon said lands or property or any part thereof, on account of said improvement of the Delaware road, or of anything in anywise appertaining thereto; and of all tax sales, assessments, bids, certificates of tax sales of any or all of said property within said tax district on account of said improvement, or of anything appertaining thereto, and all claims, liens or interests on account of the same, or of either of them, shall be superseded, annulled and become void by and when the assessment authorized in this act shall be completed and finally adopted.

Unpaid
assessment.

§ 15. If any assessment payable on an assessment schedule issued to the supervisor of the town of Tonawanda, as hereinbefore provided for, or any part thereof shall not be paid within six months after the delivery of said assessment schedule to the supervisor, then all the assessment upon said parcel of land or property, then remaining unpaid, shall become and be at once due and payable and shall thenceforth bear interest at the rate of one per centum per month, and it shall be the duty of the supervisor to advertise said parcel of land or property for sale and to sell the same in satisfaction of said assessment in the manner prescribed in this act.

Sale of land
therefor.

Moneys
payable to
supervisor.

§ 16. All moneys receivable upon the sales of bonds, the collection of assessments, or otherwise, pursuant to the provisions of this act, shall be paid to the supervisor, whose duty it shall be to keep a complete and accurate account of the same in a

Account to
be kept.

^a So in the original.

book to be provided him for that purpose by the town board and which he shall deliver to said board upon the completion of his term of office; whenever payments shall be made to him on the assessments, on his copy of said assessment schedule, he shall at once make a memorandum thereof upon said schedule; at the expiration of his term of office, and when his successor shall have qualified by executing and filing the bond required by this act, or whenever required by said board, he shall account to the board concerning all assessments and payments received by him not previously accounted for.

Memorandum of payments.

Accounting to town board.

§ 17. The supervisor of the town of Tonawanda shall execute and deliver to the town board of said town a bond with such sureties, and in such penalty as the board shall prescribe and approve, conditioned for the faithful performance of any and all duties required of him under this act; and for accounting for all moneys and rolls received thereunder; such official bond shall be filed and approved before he enters upon the discharge of any fiscal duty under this act. The supervisor shall publish in a newspaper to be designated by the board for two weeks immediately succeeding the receipt by him from the town board of each copy of an assessment schedule to be executed as aforesaid notice that he has received the same, and of the time and place when and where he will receive payments during reasonable hours of each business day for six months of the amounts specified therein; during said six months the supervisor shall receive from the persons paying said assessments for his fees and compensation for receiving the same and the expense of publishing the said notice for the first month one cent on each dollar or fraction of a dollar, during the next two months one and one-half cents on each dollar or fraction of a dollar and during the remainder of said six months two cents on each dollar or fraction of a dollar which may be voluntarily paid. If it shall become necessary for the supervisor to advertise and sell any parcel of land or property under the provisions of this statute he shall receive for his fees and disbursements in making said sale the same fees and disbursements which are allowable to the sheriff of the county of Erie for selling real estate on execution to be computed at the same rate; the amount of all fees authorized by this act shall become and be a lien upon the real estate the same as and in addition to the lien of the assessment upon the same. He shall

Bond of supervisor.

Notice of receiving payments.

Fees of supervisor.

receive for the expenses of his official bond and all other disbursements for exchanging or selling the bonds which may be issued under the provisions of this act and for his services a sum equal to one-half of one per centum of the principal sum of the new bonds which amount shall be included in and form a part of the expense mentioned in section one of this act.

Payment of
assessment.

§ 18. Any person interested in any parcel of land or property which may be included in said assessment schedule or in any subdivision schedule may procure the discharge of the same from the lien of the assessment standing against the same at any time by paying the amount included therein for payment of principal of unpaid bonds and the amount included therein for interest thereon for six months thereafter and one-half of the amount included therein for all interest to become payable after said six months on said unpaid bonds; the supervisor on receiving such payment shall execute and deliver to the person paying the same a receipt in full, and state therein that the assessment on account of said lot or parcel of land or property (giving its number) and if a subdivision lot, the number of the subdivision, and the number of the lot therein and the amount paid, and the date of payment, has been fully paid, which shall be signed by the supervisor; the person receiving said receipt shall present the same to the town clerk who shall make an entry in the assessment schedule and in the book of account to be kept by him with said lot or parcel of land or property so released, in the following form: "Fully paid the day of , nineteen , to , supervisor, dollars and cents," the blank spaces being filled with the appropriate dates, amounts and name; all moneys received for such advanced payments shall be deposited at interest in some solvent savings bank or trust company to be subject to the order of the supervisor of the town and shall only be applied from time to time as they become necessary in paying the principal and interest of the bonds to be issued pursuant to the authority conferred by this act.

Receipts for
payment.

Entry in
assessment
schedule.

Disposition
of advanced
payments.

Subdivision
of assess-
ments.

§ 19. Any person interested in any parcel of real estate which shall be included in said assessment roll, may have the assessment thereon subdivided upon complying with the following conditions: He shall present to the town clerk a petition in writing to be signed and verified by him, which shall state the name

of each and every person so far as known to him interested in said land as owner, mortgagee, vendee, or otherwise, and the post-office address of such person or persons so far as known to him; he shall also at the same time pay to the town clerk the estimated expense of having a subdivision of said parcel made, which estimate shall be made by the town clerk; and in his petition he shall agree, providing the amount so deposited shall prove insufficient for the purpose, to pay on demand the deficiency; he shall file with his petition a subdivision map showing the subdivisions which he wishes to have made of his said parcel of land, which map shall clearly show the course and distance of the boundary lines of each subdivision lot, and each subdivision lot shall be consecutively numbered; said subdivision map shall be drawn to a scale which may be prescribed by the town board and shall in all and every respect conform to such rules and requirements as the town board may prescribe or adopt; the town clerk shall thereupon designate a time and place when the town board will meet to consider the said petition and shall notify the members of the town board; he shall also give notice of said petition and that the town board will meet and hear and consider the same, by mail to the petitioner, and to every person appearing by said petition to have any interest in said land as aforesaid, at least ten days before the hearing; he shall also cause to be published in the official paper of the town a notice to whom it may concern for ten days before the hearing that the petition and map have been filed and that at the time and place designated for that purpose the town board will meet to hear and consider the petition; at the time and place to be so designated the town board, or a majority thereof, shall meet and hear and consider the petition, and all persons who may appear and be interested therein; the said town board shall thereupon approve and adopt said subdivision as proposed, or as the same may be amended, and subdivide the assessment between the said subdivision lots and cause to be made and attached to said subdivision map an assessment schedule in the same form and on the same method of apportionment in this act prescribed for the making of said assessment schedule, so far as the same is applicable; it shall thereupon be the duty of the town clerk to insert said subdivision map by pasting the same and said subdivision reapportionment of the assessment in the original assess-

Petition
for subdivi-
sion.

Subdivision
map.

Meeting to
consider pe-
tition and
notice
thereof.

Notice of
filing peti-
tion and
map.

Hearing
and consid-
eration of
petition.

Duty of
town clerk

ment roll on one of the stubs to be provided therein for that purpose, and to make an entry on the original assessment schedule on the line devoted to the original assessment, referring to said subdivision and subdivision assessment, and attached to all copies of the assessment schedule, thereafter to be delivered to the supervisor of the town for collection, shall be a copy of the subdivision assessment schedule with its just proportionate share of the assessment against each subdivision lot appearing therein. Subdivision lots may also be subdivided in the same form, by the same procedure and with the same effect; each subdivision shall be consecutively numbered and the subdivision map and schedule shall be entitled "Delaware road assessment district," lot number , , subdivision number

Subdivision
of subdivi-
sion lots.

Expenses
for making
subdivi-
sions.

." The expenses chargeable for making subdivisions shall include the per diem allowance of the members of the town board for the time actually and necessarily employed, reasonable compensation to a surveyor, if the services of a surveyor be deemed necessary by the board, and such other incidental expenses as may be necessarily and properly incurred; the amount thereof to be audited and adjusted by the town board and the surplus, if any, of the deposit shall be promptly refunded on demand to the person who shall have paid the same; when said subdivision shall have been made each subdivision lot shall be subject only to the amount of the assessment apportioned to it, and upon payment of the amount so apportioned to it shall be discharged from every lien of any kind whatsoever on account of said expense or assessment.

Subdivision
lots subject
only to
assessment
apportioned.

Notice of
sale for un-
paid assess-
ments.

§ 20. The supervisor shall give notice of the sale of real estate and property for unpaid assessments by publication of a notice containing a description of the lands or property to be sold, a statement that the assessment was made for a local improvement pursuant to the provisions of this act and that default has been made in the payment thereof, and specifying the entire amount of such assessment and interest for which said land or property is to be sold, computed to the day of sale to be specified in the notice, and specifying the place and hour of sale, in some newspaper published in said town of Tonawanda or in an adjoining town or city once a week for at least six weeks before the day of sale, and also by posting such notice of sale in at least three public places in said town for at least forty-two days before the time specified

for the sale therein. At such time and place he shall offer the property for sale, and sell the same to the highest bidder. The sale must be for cash. He shall thereupon, on receiving the amount so bid, issue to the bidder a certificate specifying that, pursuant to this statute the assessment was made; that default was made in the payment thereof, and that notice of sale was published, a copy of which shall be set forth in the certificate; that at the time and place specified in the notice, the property was exposed for sale and sold to the person who may be specified in the certificate, and the amount of the bid, and that said amount has been paid, and that at the expiration of one year from the day of sale, unless the property shall be sooner redeemed, the bidder, or his assigns, shall be entitled to a conveyance of the lands sold, or to have his money returned, with interest thereon, at and after the rate of one per centum per month. During said year any person or persons interested in said land or property so sold, may redeem the same from the sale, by paying to the supervisor the full amount of the bid, and interest at the rate of one per centum per month, to be computed from the day of sale, to ten days after the day that the property is so redeemed. The supervisor shall thereupon notify by mail, the person to whom he shall have delivered the certificate, and such person shall surrender the certificate to the supervisor in exchange for the amount paid on the redemption, and thereupon the supervisor shall cancel the certificate. If said lands or property are not redeemed within the year, the supervisor shall execute and deliver a deed of conveyance of said lands or property to the holder of the certificate, and in exchange for the surrender of the same, in the name of the town, by him as supervisor, which conveyance of the lands or property shall vest the title thereto in fee simple in the grantee. Said deed shall briefly recite that an assessment was made for improvements for the benefit of the lands or property described therein; that such assessment or assessments were not paid when they became due. That thereupon the notice of sale prescribed by this act was given; that pursuant thereto the property was sold to the highest bidder, and a certificate issued as prescribed in this statute; that one year from the delivery of said certificate, and from the time of said sale, has elapsed, and that no person has redeemed said lands or property, and that pursuant to the provisions of this statute, the conveyance is made, and such deed shall

Certificate
of sale.Redemption
of landConvey-
ance to
purchaser.

be conclusive evidence that the proceedings were regular and valid, and taken in conformity to law.

Application
of proceeds
of sales.

§ 21. The supervisor shall apply the proceeds of each sale as follows: He shall retain for his own use therefrom his fees and his disbursements for making the sale, at the same rates that are allowable to a sheriff for selling land on execution. He shall apply the remainder of the proceeds in payment of the amount of assessment charged against the land or property sold, and the excess, if any, in payment of other taxes due or payable from the land or property, or from the owner thereof, on account thereof to the town or county or school district or any highway officers; and the excess, if any there be, he shall pay to the treasurer of the county to be subject to the order of any court of record having jurisdiction of actions for the foreclosure of mortgages on land situate within the town, and such court may direct the distribution of such surplus as upon the sale of land in a foreclosure action in such court, and as if all the parties interested were parties to such action, and had been served with a summons in the action.

Purchase of
property
for town.

§ 22. It is hereby made the duty of the supervisor of the town to attend all such sales of real estate and property, and if in his opinion the highest sum which shall be bid by others for any parcel of land or property offered for sale be not sufficient to pay the assessment and interest, and the expenses of sale, and he shall regard it best for the town to do so, to purchase the said lands or property, and take a certificate as such purchaser in the name of the town, and thereupon the amount of his bid shall be paid from the town funds, and the town is hereby given capacity to acquire title to lands or property at such sales and to possess the same, and to sell and convey the same as soon as the same may conveniently be done, to the advantage of the town, and for the purpose of acquiring moneys to pay the amount bid at any such sale, the town board may authorize the supervisor to borrow moneys upon the faith and credit of the town, and to issue notes, certificates of indebtedness or bonds for the same, in such form as specified in this act, and the proceeds of the sale of the real estate or property which may be purchased by the town as aforesaid shall be applied to the payment of such note, certificate of indebtedness, or bonds as may be issued for that purpose, or the money necessary therefor may be raised by gen-

Issue of
notes, etc.

eral assessment upon the property in the town in the discretion of the board.

§ 23. Providing the supervisor is absent from the town or for any reason unable to attend and discharge any duty which may devolve upon him, the town board is hereby authorized and empowered to designate some person to act in the place and stead of the supervisor, in the discharge of such duty or duties during such disability, and thereupon such person so designated shall have all the power and authority in the premises of the supervisor of the town, and his action in the matter shall have the same force and effect as if the supervisor of the town were personally present and acting. The town board may, in its discretion, require from the person thus designated to act temporarily as supervisor, a bond for the faithful discharge of the duty or duties delegated to him as to the board may seem proper.

Designation
of person to
act in place
of super-
visor.

§ 24. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 25. This act shall take effect immediately.

Chap. 308.

AN ACT granting the consent of the state of New York to the acquisition by the United States of certain lands for the use of the United States, in the county of Putnam, and state of New York, and ceding jurisdiction over the same.

Became a law, April 6, 1900, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The consent of the state of New York is hereby given to the United States to acquire by purchase or by condemnation, in conformity with the laws of this state, all that tract of land lying east of the easterly bank of the Hudson river and west of the westerly line or side of the New York Central and Hudson River Railroad Company's land situate in the county of Putnam and state of New York, and formerly known as East Point, and now commonly known as Constitution Island, lying opposite to the West Point military reservation and the said United States shall have, hold, occupy and own said lands when thus acquired,

Consent to
acquisition
of land.

and exercise jurisdiction and control over the same, and every part thereof subject to the restrictions hereinafter mentioned.

Jurisdiction
ceded.

§ 2. The jurisdiction of the state of New York in and over the said lands mentioned in the foregoing section, when acquired by the United States, shall be, the same hereby is ceded to the United States, but the jurisdiction hereby ceded shall continue no longer than the United States shall own the lands aforesaid.

Concurrent
jurisdiction
with United
States.

§ 3. Such consent is given and the said jurisdiction is ceded upon the express condition that the state of New York shall retain concurrent jurisdiction with the United States in and over the said land so far as that all civil process as may issue under the laws or authority of the state of New York against any person or persons charged with crime or misdemeanors committed within said state may be executed therein the same way and manner as if such consent had not been given or jurisdiction ceded except so far as such process may affect the real or personal property of the United States.

Jurisdiction,
when
to vest.

§ 4. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said land by purchase or condemnation in conformity with the laws of this state.

§ 5. This act shall take effect immediately.

Chap. 309.

AN ACT to amend chapter one hundred forty-three of the laws of eighteen hundred sixty-one, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester" relative to appointment of school teachers.

Accepted by the city.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City charter
a. c. ded.

Section 1. Section one hundred forty, subdivision 1, of title six of chapter one hundred forty-three of the laws of eighteen hundred sixty-one entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,"

as amended by chapter six hundred sixty of the laws of eighteen hundred ninety-eight is hereby amended so as to read as follows:

§ 140-i. The chairman of the teachers' committee, together with the commissioner of the commissioners' district, and the superintendent shall constitute a board for the appointment, by and with the approval of the said board of education, of principals for each school in said commissioner's district from the first ten names certified by the said board of examiners, as qualified for principalship. They shall certify to the said board of education the appointments made by them and may at any time, before approval, withdraw from the consideration of the said board, any such appointments; provided that no person shall be appointed to the position of principal of the free academy or high school, or of a grammar school, or teacher in the free academy or high school who is not a graduate of a college or university recognized by the regents of the state of New York, and has not had at least two years' successful experience as a teacher. In the same manner as prescribed for the appointment of principals, the commissioner for a commissioner's district, together with the superintendent and the principal of a school, shall constitute a board for the appointment to said school, of teachers from the first twenty-five names on said eligible list for teachers; provided, that no person shall be appointed as teacher in a grammar school or kindergarten, who is not a graduate of a normal school after a course of study therein of at least two years, or has not pursued a course in pedagogy in a state training school or a city training school for one year. Except that any graduate of the normal course of the Rochester Athenaeum and Mechanics' Institute after a course of study therein of at least two years may be appointed in any of the schools of said city as teacher of manual training, domestic science, domestic art, or any of the special subjects comprised in said normal course of said institute. The said board of education shall consider such appointments and upon approval any such appointments shall be final. The failure of the board of education to disapprove any appointment of principal or teacher for fifteen days after such appointment shall have been submitted for its action thereon shall be equivalent to the approval by said board of education of such appointment.

Board for
appointment
of
principals.

Proviso as
to appoint-
ment.

Board for
appointment
of
teachers.

Proviso as
to appoint-
ment.

Considera-
tion of
appoint-
ment by
board of ed-
ucation.

§ 2. This act shall take effect immediately.

Chap. 310.

AN ACT to amend the banking law, relative to the rate of interest.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifty-five of chapter six hundred and eighty-nine of the laws of eighteen hundred and ninety-two, entitled "An act in relation to banking corporations, constituting chapter thirty-seven of the general laws," is hereby amended to read as follows:

§ 55. **Rate of interest.**—Every bank and private and individual banker doing business in this state may take, receive, reserve and charge on every loan and discount made, or upon any note, bill of exchange or other evidence of debt, interest at the rate of six per centum per annum; and such interest may be taken in advance, reckoning the days for which the note, bill or evidence of debt has to run. The knowingly taking, receiving, reserving or charging a greater rate of interest shall be held and adjudged a forfeiture of the entire interest which the note, bill or evidence of debt carries with it, or which has been agreed to be paid thereon. If a greater rate of interest has been paid, the person paying the same or his legal representatives may recover back twice the amount of the interest thus paid from the bank and private or individual banker taking or receiving the same, if such action is brought within two years from the time the excess of interest is taken. The purchase, discount or sale of a bona fide bill of exchange, note or other evidence of debt payable at another place than the place of such purchase, discount or sale at not more than the current rate of exchange for sight draft, or a reasonable charge for the collection of the same, in addition to the interest, shall not be considered as taking or receiving a greater rate of interest than six per centum per annum. The true intent and meaning of this section is to place and continue banks, and private and individual bankers on an equality in the particulars herein referred to with the national banks organized under the act of congress entitled "An act to

provide a national currency secured by pledges of United States bonds, and to provide for the circulation and redemption, thereof," approved June the third, eighteen hundred and sixty-four.

§ 2. This act shall take effect immediately.

Chap. 311.

AN ACT to provide for extraordinary repairs and improvement of existing mechanical and other structures and works on, and connected with, the canals of this state.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of three hundred and fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the extraordinary repairs and improvement of existing mechanical and other structures and works on, and connected with, the canals of this state, the same to be expended by the superintendent of public works for the said purposes, on plans prepared by the state engineer and surveyor, and approved by the said superintendent of public works. Appropriation.

§ 2. The state comptroller is hereby authorized to borrow, on the credit of the state, by the issue of emergency bonds therefor the said sum of three hundred and fifty thousand dollars provided for by section one of this act, so that the said sum may be made available for the purposes therein named, the said bonds to be paid for from the avails of state tax when collected for the fiscal year beginning October first, nineteen hundred. Issue of emergency bonds.

§ 3. This act shall take effect immediately.

Chap. 312.

AN ACT to amend chapter one hundred and thirty-eight of the laws of eighteen hundred and eighty-one, entitled "An act to authorize the Chautauqua Lake Sunday School Assembly, a corporation duly incorporated under the laws of this state, to make and enforce rules and regulations of and concerning the deposit of certain slops and garbage accumulating within the grounds of said corporation in some suitable receptacle convenient to be removed by the said corporation, and for collecting the expenses thereof from the persons benefited thereby," in relation to the powers of trustees.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Section twenty-five of chapter one hundred and thirty-eight of the laws of eighteen hundred and eighty-one, entitled "An act to authorize the Chautauqua Lake Sunday School Assembly, a corporation duly incorporated under the laws of this state, to make and enforce rules and regulations of and concerning the deposit of certain slops and garbage accumulating within the grounds of said corporation in some suitable receptacle convenient to be removed by the said corporation, and for collecting the expenses thereof from the persons benefited thereby," is hereby amended to read as follows:

Separate health district and board of health.

§ 25. The grounds owned and occupied by the Chautauqua assembly in the town of Chautauqua shall be a separate health district, exempt from the jurisdiction of the local board of health. The trustees of the assembly residing in the state of New York shall constitute a board of health for such district. The provisions of law relative to the jurisdiction, powers and duties of town boards of health apply so far as practicable to the board of health hereby established. Such district and the board of health thereof shall be subject to the visitation, inspection, rules and orders of the state board of health as provided by the public health law.

§ 2. This act shall take effect immediately.

Chap. 313.

AN ACT to amend the highway law, relating to posting of schedules of rates of ferriage.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and seventy-four of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled "An act in relation to highways, constituting chapter nineteen of the general laws," is hereby amended to read as follows:

§ 174. When schedules to be posted.—Every person licensed to operate or control any ferry in this state, or between this state and any other state, operating from or to a city of fifty thousand inhabitants or over, shall post in a conspicuous and accessible position outside and adjacent to each entrance to such ferry, and in at least four accessible places, in plain view of the passengers upon each of the boats used on such ferry, a schedule plainly printed in the English language, of the rates of ferriage charged thereon, and authorized by law to be charged for ferriage over such ferry. If any such person shall fail to comply with the provisions of this section, or shall post a false schedule, he shall be guilty of a misdemeanor.

§ 2. This act shall take effect immediately.

Chap. 314.

AN ACT making an appropriation for Craig Colony for Epileptics.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The following sums are hereby appropriated for the uses and purposes of the Craig Colony for Epileptics from any moneys in the treasury not otherwise appropriated; for two infirmary dormitories to accommodate not less than fifty pa-

Appropriation for improvements.

tients each, sixty thousand dollars; for interior furnishing of said dormitories, five thousand dollars; for making lateral connections between water main and new buildings, two hundred dollars; for making lateral connections between main sewer and said dormitories, three hundred dollars; for the construction of a supplementary pumping station for water supply in emergencies, four thousand dollars; for constructing one additional filter bed for sewage, fifteen hundred dollars; for fire hose, reel and fire extinguishers, eight hundred dollars; for improvement and extension of brickyard plant, fifteen hundred dollars, for machinery and tools for trade school, five hundred dollars; for securing and storing a rain water supply, eight hundred dollars; for additional laundry machinery, one thousand dollars; for repairs at west group including fire escape, nine hundred dollars; for outside electric line work and power motors, fourteen hundred dollars; for gasoline plant and equipment for laundry, nine hundred and twenty-five dollars; for painting of interior plastered walls in eleven new buildings of women's group, thirteen hundred and fifty dollars; for farm stock and implements, one thousand dollars; for general improvements and repairs, twenty-five hundred dollars.

Plans and specifications.

§ 2. The state architect shall prepare the plans and specifications for the board of managers, subject to the approval of the state board of charities, and superintend the erection of the buildings authorized by this act.

Contracts for work, etc.

§ 3. Work done and material furnished under this act except the items for farm stock and implements, one thousand dollars, and for general improvements and repairs, twenty-five hundred dollars, shall be by contract, and no item of said appropriation shall be available for any such construction of buildings or work done under contract, except for advertising and preparing plans and specifications unless a contract therefor shall have been first made for the completion thereof within the appropriation therefor, and the performance secured by a satisfactory bond approved by the comptroller. The item for general improvements and repairs of two thousand five hundred dollars, may be done by or under the supervision of the board of managers upon estimates or contracts approved by the comptroller.

§ 4. This act shall take effect immediately.

Chap. 315.

AN ACT to provide for the appointment of purchasing committees of the boards of supervisors of the counties of Saint Lawrence and Jefferson, and to prescribe their duties.

Became a law, April 6, 1900, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The boards of supervisors of the counties of Saint Lawrence and Jefferson respectively, at their next annual meetings, may appoint three members of the board a committee to be known as the purchasing committee of the board. The persons so appointed shall act as such committee until the next annual meeting of said board, and until their successors are appointed. At each annual meeting thereafter, the board by a vote of a majority of all the members chosen thereto may elect three of its members to act as the purchasing committee during the next ensuing year.

Appoint-
ment of
purchasing
committee.

§ 2. It shall be the duty of such purchasing committee to purchase all supplies for the use of the county or county officers in the discharge of their official duties. Each member of such committee, while engaged in the performance of his duties under this act, shall be entitled to receive his actual and necessary disbursements and the per diem compensation allowed by law to a supervisor while engaged in county business.

Duty of
committee

§ 3. This act shall take effect immediately.

Chap. 316.

AN ACT to authorize the city of Schenectady to borrow money and to issue the bonds of said city, therefor, for the purpose of improving the public parks of said city.

Accepted by the city.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Issue of
bonds.

Section 1. The common council of the city of Schenectady is hereby authorized and empowered to issue the bonds of said city to an amount not exceeding in the aggregate six thousand dollars, in sums of one thousand dollars each, payable at such time within thirty years after their respective issues as the said common council shall determine, with interest payable semi-annually, at a rate not to exceed five per centum per annum. Such bonds shall be executed by the mayor and the treasurer of said city under the corporate seal of said city, and the said treasurer shall sell and dispose of such bonds or any part thereof at public auction or by sealed proposals after giving at least three weeks previous public notice, and shall award the same to the highest bidder or bidders therefor, but at not less than par and accrued interest.

Proceeds
of sale.

§ 2. All moneys received by the sale of such bonds shall be applied and expended under the direction of the said common council to and for the purpose of improving the public parks of the said city of Schenectady and the necessary expenses incidental thereto and in the purchase of all matters and things required therefor.

Tax for
interest and
principal.

§ 3. The interest and principal of such bonds shall be paid by said city when due, and the sums of money required for such payment shall be assessed, levied, raised and collected by a tax, upon the real and personal property liable to taxation in said city and in the same manner as any other public or general tax of said city and in addition to the general and ordinary taxes of said city now authorized by law.

§ 4. This act shall take effect immediately.

Chap. 317.

AN ACT to amend chapter four hundred and eighty-five of the laws of eighteen hundred and eighty-three, and the acts amendatory thereof, relative to the issuing of bonds by the common council of the city of Schenectady.

Accepted by the city.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter four hundred and eighty-five ^{Act} of the laws of eighteen hundred and eighty-three, entitled "An act in relation to the construction of sewers in the city of Schenectady, and to authorize the common council of said city to borrow money for that purpose," as amended by chapter eight hundred and sixty-seven, of the laws of eighteen hundred and ninety-six, as amended by chapter one hundred and sixty of the laws of eighteen hundred and ninety-eight, as amended by chapter sixty-five of the laws of eighteen hundred and ninety-nine, is hereby amended so as to read as follows:

§ 1. The common council of the city of Schenectady is hereby ^{Issue of} authorized to issue the bonds of said city to an amount not exceeding in the aggregate one hundred and sixty thousand dollars, in sums of one thousand dollars each, payable at such times within thirty years as the said common council shall determine, with interest payable semi-annually, at a rate not exceeding five per centum per annum. Such bonds shall be executed by the mayor and treasurer of said city under the corporate seal, and shall be sold by said treasurer to the highest bidder or bidders therefor at prices not less than par.

§ 2. This act shall take effect immediately.

Chap. 318.

AN ACT to amend chapter five hundred and eighty-eight of the laws of eighteen hundred and ninety-nine relative to the amount of money to be raised by the common council of the city of Schenectady for the purchase of lands and buildings for fire department purposes.

Accepted by the city.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Section ten of chapter five hundred and eighty-eight of the laws of eighteen hundred and ninety-nine, entitled "An act to organize a fire department and board of fire commissioners in and for the city of Schenectady," is hereby amended so as to read as follows:

Sale of lands and buildings of fire department.

§ 10. The common council shall have the power and they are hereby authorized to sell and dispose of any lands with the buildings thereon or other property now belonging to said city of Schenectady that is now used by said city or fire department thereof for fire department purposes, at such time or times after the passage of this act and for such price or prices and upon such terms as to the said common council shall seem reasonable, and to that end and for that purpose the mayor of said city is hereby authorized for and in the name of said city to execute and deliver any deed or conveyance of such lands with the buildings thereon upon or under a resolution therefor duly passed by the common council of said city. The proceeds of such sale or sales shall be paid to the city treasurer of said city and shall be expended under the direction of said common council in the purchase of other lands and real estate and for the erection of buildings thereon to be used for fire department purposes and for the equipment of the fire department herein and hereby created to the extent of such proceeds and as said common council shall determine. The said common council shall also have the power, and it shall be its duty to raise by loan, from time to time, a sum not exceeding in the whole thirty-five thousand dollars by the creation of a public stock,

Proceeds of sale.

Issue of bonds for fire loan.

to be called the Schenectady fire loan, and for that purpose may issue bonds of said city in sums of one thousand dollars each, with interest payable semi-annually at a rate not exceeding five per centum per annum, to be signed by the mayor and treasurer of said city, and to be made payable at such times within twenty years after their respective issues as the said common council shall direct, and the said common council shall sell and dispose of such bonds or any part thereof at public auction or by sealed proposals after giving at least three weeks' previous public notice, and shall award the same to the highest bidders, but at not less than par and accrued interest. The moneys raised by sale of such bonds shall be applied and expended under the direction of the said common council to and for the purpose of acquiring and purchasing lands and buildings to be used for fire department purposes or to and for the purpose of acquiring and purchasing lands and for the erection of buildings thereon to be used for fire department purposes or to and for the equipment of the fire department herein and hereby created with such fire apparatus and supplies as the said common council may determine.

Application
of
proceeds.

§ 2. This act shall take effect immediately.

Chap. 319.

AN ACT to authorize the city of Schenectady to borrow money and issue notes therefor, to provide for the payment of the balance of the unpaid assessments for the construction of the pavement on State street from the tracks of the New York Central and Hudson River Railroad Company to Hawk street in said city.

Accepted by the city.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The common council of the city of Schenectady is hereby authorized and empowered to borrow, upon the faith and credit of said city, such sums of money, not exceeding in the aggregate the sum of fifty-seven thousand two hundred and nine-

Authority
to borrow
money.

teen dollars and eighty-seven cents, as may be necessary to temporarily provide for the payment of the balance of the unpaid assessments for the construction of the pavement on State street from the tracks of the New York Central and Hudson River Railroad Company to Hawk street in said city.

Issue of
notes.

§ 2. For the purpose of borrowing as aforesaid, the mayor and treasurer of said city, shall, whenever and as often as the said common council shall by resolution direct, make the promissory notes of said city for such sum, not exceeding in the aggregate fifty-seven thousand two hundred and nineteen dollars and eighty-seven cents, for such length of time, not exceeding one year, and at such rate of interest, not exceeding six per centum, as may be deemed necessary to raise money to pay the balance of the unpaid assessments of said pavement as aforesaid, and from time to time renew said notes, or any part thereof, for periods not exceeding one year, until the litigation over the assessments and the refusal by the property owners on said portion of State street to pay said assessments for said pavement shall be finally ended and said balance of said assessments shall be collected from the parties finally determined to be liable therefor.

Tax for
payment
of notes.

§ 3. In case it shall be finally determined that said city cannot collect said sum from the owners of abutting property on said street, nor by legislation provide for the payment of the same by a district or districts of assessment or otherwise collect said sum except by a general tax, upon the real and personal property of said city, then the said common council shall add such uncollected amount as a whole, or such part of said amount annually as the said common council may by resolution determine until the whole amount thereof shall be added, to any succeeding annual tax budget or budgets and collect the same in the same manner as any other public or general tax of said city, and in addition to the general and ordinary taxes of said city now authorized by law, and when so collected shall apply the same to the payment of any outstanding notes issued under the provisions of this act.

§ 4. This act shall take effect immediately.

Chap. 320.

AN ACT to amend chapter four hundred and forty-one of the laws of eighteen hundred and ninety-nine entitled "An act to create a commissioner of jurors in the several counties of this state," by extending its provisions to the county of Albany.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections two, three and seventeen of chapter four hundred and forty-one of the laws of eighteen hundred and ninety-nine, entitled "An act to create a commissioner of jurors in the several counties of this state," are hereby amended to read as follows:

Act amended.

§ 2. In any county in which the office of commissioner of jurors is established as provided in the preceding section and in the county of Albany, such commissioner and his successor shall be appointed in the following manner:

Appointment of commissioner of jurors.

1. If only one justice of the supreme court resides in such county, he and the county judge and the county clerk shall make the appointment.

2. If two or more justices of the supreme court reside in such county, they and the county judge shall make the appointment.

3. If no justice of the supreme court resides in such county and the county has a separate surrogate, the county judge, surrogate and county clerk shall make the appointment.

4. If no supreme court justice resides in such county and such county has no separate surrogate, the county judge, district attorney and county clerk shall make the appointment. The first appointment shall be made within thirty days after the adoption of the resolution to establish the office. The officers herein authorized to appoint a commissioner of jurors in a county shall constitute a board for that purpose and an appointment of a commissioner by them must be in writing, signed by a majority of such officers and filed in the office of the clerk of the county.

§ 3. A commissioner of jurors first appointed under this act shall take office immediately, and shall hold office for a term which shall expire five years from the first day of January next

Term of office.

Undertak-
ing to
county.

succeeding his appointment, and each commissioner thereafter appointed under this act, except to fill a vacancy, shall hold his office for a term of five years, from the expiration of the term of his predecessor in office. All terms shall expire on the thirty-first day of December, and before entering upon the duties of his office, he shall execute an undertaking to the county in a sum to be fixed and approved by the appointing authority, not less than two thousand dollars, nor more than five thousand dollars, conditioned that he will faithfully perform the duties of his office, and account for and pay over all moneys which come into his hands by virtue thereof, which shall be filed in the office of the county clerk.

Not appli-
cable to
certain
counties.

Act not
applicable
to Albany
county.

§ 17. This act shall not apply to the counties of New York, Kings, Erie, Monroe, Onondaga, Westchester or Rensselaer.

§ 2. Chapter five hundred and fifty-seven of the laws of eighteen hundred and ninety-four as amended by chapter six hundred and seventy-nine of the laws of eighteen hundred and ninety-six, shall not hereafter apply to the county of Albany, but such county shall be subject to the provisions of chapter four hundred and forty-one of the laws of eighteen hundred and ninety-nine, as amended by this act.

§ 3 This act shall take effect immediately.

Chap. 321.

AN ACT to legalize the special election and all proceedings connected therewith, held in the village of Whitesboro, Oneida county, March thirteenth, nineteen hundred.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All proceedings, preliminary or subsequent to, the special election held in the village of Whitesboro, county of Oneida, on the thirteenth day of March, nineteen hundred, voting by ballot upon a proposition for bonding the said village for a system of sewerage in a sum not exceeding forty thousand dollars, are hereby legalized and confirmed.

§ 2. This act shall take effect immediately.

Chap. 322.

AN ACT to authorize the village of Whitesboro, in the county of Oneida, to borrow money and issue bonds or certificates of indebtedness therefor, for the construction of a system of sewerage, in said village.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of trustees of the village of Whitesboro, Oneida county, New York, is hereby authorized and empowered to borrow on the credit of said village, a sum not exceeding forty thousand dollars, for the purpose of constructing in said village a system of sewerage which shall include all the streets and public grounds of said village, and to issue bonds or certificates of indebtedness of said village therefor. Such bonds or certificates of indebtedness shall be issued under the hands of the president and clerk and the corporate seal of said village, in sums not exceeding five hundred dollars each, and shall bear interest at the rate of not exceeding four per centum per annum, which interest shall be payable on the first day of July in each year. They shall be sold to the highest bidder therefor, not, however, at less than par, and the moneys obtained therefor shall be used in the construction of said system of sewerage and the necessary expenses incidental thereto, and for no other purpose. Each of said bonds or certificates of indebtedness shall be made payable on the first day of July one thousand nine hundred and thirty-one; and any or all of said bonds may be redeemed by said village on or after the first day of July one thousand nine hundred and twenty-one.

Issue of bonds.

Sale of bonds, etc.

§ 2. It shall be the duty of the board of trustees of said village to make due provision by the levy and assessment of a tax in each year upon all the taxable property in said village in the same way and at the same time as taxes for the ordinary expenses of the said village are levied and assessed for the payment of the interest on said bonds or the certificates of indebtedness, and for the payment and redemption of said bonds or certificates of indebtedness, which tax shall be collected at the same time and same manner as other taxes in said village are collected, and

Tax for interest and principal.

when collected shall be paid over to the treasurer of the said village to be by him paid out for the liquidation of the interest of said bonds or certificates of indebtedness and not otherwise.

§ 3. This act shall take effect immediately.

Chap. 323.

AN ACT to re-appropriate money for the completion of Rome State Custodial Asylum.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Reappropriation for asylum.

Section 1. The balance remaining in the treasury unexpended of the sum of seven thousand dollars appropriated by chapter four hundred and twenty-six of the laws of eighteen hundred and ninety-eight, providing for electric lighting, plumbing, heating and completion of administration building of the Rome State Custodial Asylum, which said balance is the sum of six thousand four hundred and seventy-two dollars and ninety-four cents, and also the balance remaining in the treasury unexpended, of the sum of thirty-five thousand dollars for one brick building, for the accommodation of one hundred inmates and employees, for Rome State Custodial Asylum, which said balance is the sum of five thousand eight hundred and sixty-two dollars and forty-nine cents, is hereby re-appropriated for the same purpose, and the comptroller is directed from time to time to pay the same for the aforesaid purpose out of any moneys in the treasury not otherwise appropriated, on the written request of the board of managers of said Rome State Custodial Asylum.

§ 2. This act shall take effect immediately.

Chap. 324.

AN ACT to make the office of sheriff of Saint Lawrence county a salaried office, in part, and to regulate the management thereof.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. After the expiration of the term of office of the present sheriff of the county of Saint Lawrence, the sheriff of that county shall receive as compensation for all services hereinafter enumerated, an annual salary of fifteen hundred dollars, and in addition maintenance for himself and family, as herein provided.

Annual salary of sheriff.

§ 2. Such salary and maintenance shall constitute the whole compensation which shall be allowed or paid to or received by said sheriff for all the official services which may be performed as sheriff in his attendance upon any and all courts of record held in the county of Saint Lawrence, and for all services performed by him under this act or for the United States of America, the state of New York, or the county of Saint Lawrence, or chargeable thereto or which he is or shall be required or authorized by law to perform by virtue of his office as such sheriff; and no compensation, payment or allowance shall be made to him or received by him for his own use for any such services except the aforesaid maintenance and salary and the fees specified in section ten of this act.

Salary and maintenance in full of services.

§ 3. All fees, emoluments and perquisites which such sheriff shall charge or receive, or which he is entitled to receive as a peace officer, or which he shall legally be authorized, required or entitled to charge or receive for conveying prisoners to state or other institutions, and for all other services for the United States of America, or the state of New York, or for the county of Saint Lawrence, for which fees are paid, including the moneys he may receive for the board, custody or care of United States or other prisoners, shall belong to the county of Saint Lawrence; and it shall be the duty of said sheriff to exact, collect and receive for

Fees to belong to county.

Collection of fees.

said county the full amount allowed by law of all such moneys, fees, emoluments and perquisites.

Account
of official
services.

§ 4. Such sheriff shall keep in his office in a proper book or books to be provided for that purpose, an exact and true account of all the official services performed by him as sheriff, and of all fees and moneys, perquisites and emoluments received or chargeable by him therefor pursuant to law; such book or books shall show when and for whom every such service shall have been performed, its nature, the fees chargeable therefor, and at all times, during office hours, shall be open to the inspection of every person.

Monthly
statement
of fees, etc.

§ 5. Such sheriff shall transmit to the treasurer of said county within the first five days of each month, a statement duly verified, of all moneys received by him for fees, perquisites and emoluments for all services rendered by him in his official capacity as herein provided; the verification of such statement shall be by affidavit of said sheriff, that said statement is in all respects full and true as herein required and shall be positive and not on information and belief, and at the same time said sheriff shall pay over to the treasurer of the county of Saint Lawrence, for the benefit of said county, the whole amount of the moneys so received by him since making the last preceding report.

Payment
over of
moneys.

Official
undertak-
ing.

§ 6. Every such sheriff before entering upon the duties of his office, shall execute to the county of Saint Lawrence, and file with the treasurer of said county, an undertaking to said county, in addition to any other required by law, in the sum of five thousand dollars, with two sufficient sureties, to be approved by the county judge of Saint Lawrence county, to the effect that he will faithfully perform the duties of his office, and pay over to the treasurer of said county, as herein provided, all moneys which shall come into his hands as herein provided.

Duty of
sheriff.

§ 7. It shall be the duty of such sheriff to keep and properly care for the jail and court house of said county; preserve all property belonging thereto and situate therein, and he shall be responsible for the custody, maintenance and control of all prisoners and persons detained in said jail. On the first day of January of each year the purchasing committee, hereinafter named, shall take an inventory of all property of every kind and nature belonging to the county in the possession of the sheriff, and the said sheriff

Inventory
of property.

shall be chargeable therewith, and at the end of each year the said sheriff shall account for all the property in the last inventory contained or purchased since the last inventory was taken, and he shall be liable to pay to the county of Saint Lawrence, the value of any property which shall be missing and not accounted for, at such time and in such manner as the said purchasing committee shall direct.

§ 8. The board of supervisors at each annual meeting shall appoint a committee of three of its members which shall designate one as chairman, which committee shall be known as the purchasing committee of said county, and it shall be the duty of the sheriff of said county, subject to the supervision, control, approval and direction of such purchasing committee, to purchase and provide all furniture, implements, material, food and supplies of whatever nature necessary for the custody, care and maintenance of the sheriff and his family, jailer, turnkey, matron and cook and of the prisoners and persons detained within said jail, and the cost of the same and any actual and necessary expenses of the sheriff in providing the same, shall be a county charge and be paid by the county, as follows: The sheriff shall keep a correct and itemized account of such cost and expenses in a book or books provided for that purpose, at the expense of said county. Each item of such account shall specify the date at which it was incurred, to whom paid, the place where paid, and for what, and the purposes for which it was paid. The said sheriff shall also obtain a voucher for each item incurred by him, so far as practicable, and if any such item exceeds the sum of twenty-five dollars, it shall be duly verified as to its correctness, and the payment thereof by the affidavit of the person furnishing the same. At the end of each calendar month or within five days thereafter, the sheriff shall present to the chairman of such purchasing committee, a written, verified, statement in detail of all the items so expended for such month; and the said chairman shall forthwith examine such statement, and within five days after having examined the same, attach his certificate thereto, certifying what amount he finds correct, and authorized by such committee, and thereupon such chairman shall return to the sheriff said statement with his said certificate attached thereto. The sheriff shall thereupon present the same to the county treasurer of Saint Lawrence county, who shall forth-

Purchasing
committee.

Supplies for
jail, etc.

Itemized
account and
voucher.

Monthly
statement
of expend-
iture.

Examina-
tion and
payment.

with pay to said sheriff the amount certified by said chairman to be correct and allowed. The verification of such statement shall be by the affidavit of the sheriff, that said statement is in all respects full and true, and shall be positive, and not on information and belief. In case any portion of said account of said sheriff is not certified by said chairman to be correct, the same may be presented by said sheriff to the board of supervisors of said county for audit, and the amount therefor shall be paid as other county charges.

Jailer and
employees.

§ 9. There shall be employed at the jail of said county for the care, custody, maintenance and control of the prisoners and the persons detained therein, and other necessary services a jailer whose annual salary shall be three hundred dollars; a turnkey whose annual salary shall be two hundred and forty dollars; a matron whose annual salary shall be two hundred and eight dollars; a cook whose salary shall be two hundred and forty dollars, and each of said persons shall be appointed by the sheriff and hold office during his pleasure, and the said sheriff shall be responsible for all their official acts, and the compensation of the sheriff and said persons shall be paid monthly by the county of St. Lawrence.

Fees in civil
causes.

§ 10. In addition to the salary specified in section one, of this act, the sheriff is authorized and entitled to charge, take and receive the fees now allowed to sheriffs by law in civil causes and proceedings, and paid by litigants or individuals as and for his compensation for services and disbursements rendered therein, and his liabilities thereunder, and for the services of the undersheriff, deputies and other employes of his office in such cases and proceedings.

Disburse-
ments of
sheriff.

§ 11. The said sheriff shall also be allowed and entitled to receive the necessary and actual disbursements incurred by him in the discharge of the duties required by this act, for which the county receives or is entitled to receive, the fees therefor under this act, which said disbursements shall be audited and allowed by the purchasing committee and paid monthly by the county.

Certain acts
a misde-
meanor.

§ 12. Any officer referred to in this act who shall receive to his own use, or for the use of another, any fee, perquisite or emolument contrary to the provision of this act, or shall neglect to account for any such fee, perquisite or emolument by this act declared to belong to the county of Saint Lawrence, shall be guilty

of a misdemeanor, and be liable to said county in a civil action for any moneys so received or received for the use of said county and not account for and paid to the treasurer pursuant to the requirements of this act.

§ 13. All acts or parts of acts inconsistent herewith are hereby ~~repealed~~ repealed.

§ 14. This act shall take effect immediately.

Chap. 325.

AN ACT to amend chapter six hundred and sixty-eight of the laws of eighteen hundred and ninety-nine by correcting number of lot sought to be redeemed by German Lutheran Saint Nicodemus church of Marilla.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter six hundred and sixty-eight of the laws of eighteen hundred and ninety-nine, entitled "An act to authorize the comptroller of the state to hear and determine the application of the trustees of the German Lutheran Saint Nicodemus Church of Marilla, Erie county, New York for the redemption of lot one hundred and thirty, range five, township ten, northeast corner, four hundred and ninety-nine one-hundredths acres from the sale thereof in the year eighteen hundred and eighty-one for unpaid taxes," is hereby amended to read as follows:

§ 1. Jurisdiction is hereby conferred upon the comptroller of the state to hear and determine the application of the trustees of the German Lutheran Saint Nicodemus church of Marilla, Erie county, New York, for the redemption of land situate and described as follows: Erie county, Buffalo Creek Reservation purchase of eighteen hundred and twenty-six, lot one hundred and thirty-nine, range five, township ten, northeast corner, five chains wide north and south; ten chains long east and west, four and ninety-nine one-hun-

Act amended.

Jurisdiction of comptroller to hear application.

dredths acres being embraced in the lands sold at the tax sale in the year of eighteen hundred and eighty-one from a sale thereof for unpaid taxes made by the comptroller in the year eighteen hundred and eighty-one, the said trustees of the German Lutheran Saint Nicodemus church at Marilla, claiming to be the owners of said land and having been in occupation thereof at the time of such sale and ever since; that no notice of redemption has ever been served upon them as prescribed by law. The said comptroller is hereby authorized to act upon such application in the same manner and with the same effect as if the application had been made within the time allowed by law for the redemption thereof.

§ 2. This act shall take effect immediately.

Chap. 326.

AN ACT to amend the state finance law, relating to payments to state treasurer by state hospitals for the insane, and making an appropriation to reimburse such state hospitals for payments so made.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-seven of chapter four hundred and thirteen of the laws of eighteen hundred and ninety-seven, entitled "An act relating to state finance, constituting chapter ten of the general laws," as added by chapter five hundred and eighty of the laws of eighteen hundred and ninety-nine, and amended by chapter seven hundred and fifteen of the laws of eighteen hundred and ninety-nine, is hereby amended, to read as follows:

§ 37. Monthly payments to state treasurer.—Every state officer, employee, board, department or commission receiving money for or on behalf of the state from fees, penalties, costs, fines, sales of property, or otherwise, except the health officer of the port of New York, shall on the fifth day of each month, pay

to the state treasurer all such money received during the preceding month and on the same day file a detailed verified statement of such receipts with the comptroller, who shall keep an account thereof in his office. This section shall not apply to the manufacturing fund of the state prisons, known as the capital fund; nor to the proceeds of sales of manufactures or other products of the state hospitals for the insane.

§ 2. The sum of one hundred thousand dollars or so much thereof as shall be shown by the books and records of the state commission in lunacy and the state comptroller, to have been paid into the state treasury prior to the passage of this act by the several state hospitals for the insane, pursuant to section thirty-seven of the state finance law, as added by chapter five hundred and eighty of the laws of eighteen hundred and ninety-nine and amended by chapter seven hundred and fifteen of the laws of eighteen hundred and ninety-nine, from proceeds of sales of manufactures or other products of the state hospital for the insane, is hereby appropriated for the support and maintenance of the state hospitals other than salaries and wages of officers and employees and for the continuance of the manufacturing departments of the state hospitals to be expended under the provisions of the insanity law and the acts amendatory thereof and supplemental thereto. The amount above specified is appropriated for the purpose of reimbursing the maintenance fund of the state hospital system for expenditures made therefrom to conduct manufacturing industries in such hospitals. Such amount shall be available upon the passage of this act.

§ 3. This act shall take effect immediately.



Chap. 327.

AN ACT in relation to cities, constituting chapter twenty-two of the general laws.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

CHAPTER 22 OF THE GENERAL LAWS.

THE GENERAL CITY LAW.

- Article** 1. General provisions. (§§ 1-14.)
2. Hearing on city bills. (§§ 30-35.)
 3. Plumbing and drainage. (§§ 40-57.)
 4. Bridges. (§§ 70-80.)
 5. Police matrons. (§§ 90-97.)
 6. Lodging houses. (§§ 110-115.)
 7. Art commission. (§§ 120-122.)
 8. Contracts for supply of gas. (§§ 130-132.)
 9. Hospitals for treatment of pulmonary tuberculosis. (§§ 140-142.)
 10. Protection of purchasers of coal. (§§ 150-161.)
 11. Effect of chapter; laws repealed. (§§ 170-173.)

ARTICLE I.

GENERAL PROVISIONS.

- Section** 1. Short title.
2. Term of office of city supervisors.
 3. City officers not to be interested in contracts.
 4. Certain parades and processions forbidden; penalty.
 5. Swearing witnesses.
 6. Summoning witnesses.
 7. Attachment for witness in contempt; proceedings thereon.
 8. Licenses for retailing goods on boats.
 9. Use of soft coal in public institutions.
 10. Money for Memorial Day in cities of the third class.
 11. Moneys; how expended.
 12. Permits for erection of booths and arches.
 13. Firemen moving from one city to another.
 14. Term of service; how reckoned.

Section 1. Short title.—This chapter shall be known as the general city law.

§ 2. Term of office of city supervisors.—The term of office of each supervisor hereafter elected in a city shall, notwithstanding the provisions of such city charter, be two years, and a supervisor shall only be elected in such city each second year thereafter, except to fill vacancies.

§ 3. City officers not to be interested in contracts.—No member of the common council of any city shall, during the period for which he was elected, be capable of holding under the appointment or election of the common council any office the emoluments of which are paid from the city treasury, or paid by fees or compensation directed to be paid by any act or ordinance of the common council, nor shall the mayor or any alderman, school commissioner or other public officer of any city be directly or indirectly interested either as principal, surety or otherwise, in any contract, the expense or consideration whereof is payable out of the city treasury, but this section shall not affect the right to any fees or emoluments belonging to any office. An officer of any city who violates any provision of this section shall be guilty of a misdemeanor and on conviction thereof his office shall be vacant.

§ 4. Certain parades and processions forbidden; penalty.—All processions or parades occupying or marching on any street of any city to the exclusion or interruption of other citizens in their individual right and use thereof (excepting the National Guard and the police and fire departments, and the associations of veteran soldiers) are forbidden, unless written notice of the object, time and route of such procession or parade be given by the chief officer thereof, not less than six hours previous to its forming or marching, to the police authorities of such city; and such police authorities may designate to such procession or parade how much of the street in width it can occupy with especial reference to crowded thoroughfares through which such procession may move; and, when so designated, the chief officer of such procession or parade shall be responsible that the designation is obeyed; and it shall be the duty of the police authorities to furnish such escort as may be necessary to protect persons and property and maintain the public peace and order. A person wilfully violating any provision of this section shall be

guilty of a misdemeanor, punishable by a fine not exceeding twenty dollars or imprisonment not exceeding ten days, or both.

§ 5. **Swearing witnesses.**—Whenever the common council of a city shall have appointed a committee of members of their body upon any subject or matter within the jurisdiction of such common council, or to examine any officer of the city, in relation to the discharge of his official duties, or to the receipt or disbursement by him of any moneys by him in the discharge of such duties, or concerning the possession or disposition by him, in his official capacity, of any property belonging to the city; or to use, inspect or examine any book, account, voucher or document, in the possession or under his control as such officer, relating to the affairs or interests of such city, the chairman of such committee is authorized to administer oaths to all such witnesses as may appear or be brought before such committee.

§ 6. **Summoning witnesses.**—On application by the chairman or a majority of any such committee to a justice of the supreme court or to the county judge of the county in which the city is situate, or to the recorder of such city, and it satisfactorily appearing to such justice, judge or recorder, that the testimony of any witness named, residing in this state, is or may be material in such investigation or inquiry, such justice, judge or recorder, shall issue a summons to such witness, requiring him to appear before such committee to testify in the matter of such investigation or inquiry at a time and place within such city to be specified in such summons. Such summons shall be served by showing to the witness the original summons under the hand of the officer issuing the same, and by delivering to such witness a copy of the summons, or a memorandum containing its substance, and paying to him the fees of witnesses in civil actions in courts of record.

§ 7. **Attachment for witness in contempt; proceedings thereon.**—If a witness shall fail to attend, as directed by such summons, the justice or officer issuing the summons, on due proof of the service thereof, and of the failure of such witness to appear, or to produce such books and papers, according to the direction of such subpoena, or shall refuse to testify before such committee, or to answer any question which a majority thereof shall decide to be proper and pertinent, he shall be deemed in contempt, and it shall be the duty of such justice or officer to issue

an attachment, in the form usual in the court of which he shall be judge, directed to the sheriff of the county where such witness was required to appear and testify, commanding such sheriff to attach such person and forthwith bring him before such justice or officer. On the return of the attachment, and the production of the body of the defendant, such justice or officer shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceeding shall be had, and the same penalties may be imposed, and the same punishment inflicted as in cases of a witness subpoenaed to appear and give evidence on the trial of a civil action before a trial or special term of the supreme court.

§ 8. **Licenses for retailing goods on boats.**—The common council of any city may charge and collect a license fee from any person doing a retail business in the sale of goods of any description, except products of the farm and unmanufactured products of the forest, from canal boats on the canals of this state or from the lands by the side of such canals and within the boundary lines of such city, within the limits of said city. The common council shall have power to fix the amount to be charged for such license at such sum as in their discretion they may deem just. They shall also have power to enforce the collection of such license fees in the same manner as they are now or may be severally authorized by law to enforce the collection of other license fees which they are authorized to impose. The common council shall have power to adopt laws or ordinances to prevent any person making such sale without first obtaining a license and to punish a violation thereof by a fine not exceeding one hundred dollars the offender to be imprisoned in the county jail until such fine be paid, not exceeding, however, six months.

§ 9. **Use of soft coal in public institutions.**—No public institution maintained by the state within the corporate limits of any city of the second class, shall use or burn bituminous coal in the operation of any of its departments, provided that the local ordinances of any such city forbid the use thereof.

§ 10. **Money for Memorial day in cities of the third class.**—The common council of any city of the third class is hereby authorized to appropriate and set aside each year a sum not exceeding two hundred dollars for the purpose of providing for the due and proper observance of Memorial day in such city.

§ 11. **Moneys; how expended.**—The moneys thus appropriated shall be expended under the direction of a board composed of the mayor and the commanders and quarter-masters of the Grand Army posts of such city. The whole amount of such money appropriated or any part thereof may be spent by such board in observance of Memorial day. Bills properly verified for all claims and expenditures arising under this or the preceding section, shall be presented to and audited by such board and shall be paid by the common council of any such city. The moneys appropriated shall be raised by tax on the real and personal property liable to taxation in any such city in the same manner as the ordinary expenses of maintaining the city government.

§ 12. **Permits for erection of booths and arches.**—The mayor of any city of the first class may, in his discretion, grant temporary permits for the erection of booths, stands, arches, overhead passage ways, or flag staffs for the stringing of flags or banners for other than advertising purposes, upon or over the sidewalks or streets of such city for the purpose of a public celebration, exposition, fair, or political demonstration; provided, however, that no such permit shall be granted by virtue of this section without the consent of the owners of the abutting property constituting more than one-half of the foot frontage upon both sides of such street in the block formed by the nearest cross-streets on each side of such structure or erection.

§ 13. **Firemen moving from one city to another.**—The firemen of the different cities of this state, in case of removal from one city to another, shall be allowed the time which they have served as such firemen in the city they left, in the city to which they have removed, upon producing a certificate of such service, signed by the chief engineer of the city so left, and being appointed a firemen in the city to which they have removed.

§ 14. **Term of service; how reckoned.**—When any such fireman shall have served as such for so long a time thereafter as shall make the whole term of service the same as required by law of firemen residing in the cities removed to, he shall be entitled to all the privileges and exemptions secured by law to the firemen of the cities of Albany and New York.

ARTICLE 2.

HEARING ON CITY BILLS.

Section 30. Public hearing.

31. Notice, how given.

32. Hearing.

33. Return by mayor; contents of certificate.

34. Duties of clerk on return of mayor's certificate; endorsement on bill.

35. Expenses of hearing to be a city charge.

§ 30. Public hearing.—Whenever a certified copy of any bill for a special city law shall be transmitted to the mayor of a city, pursuant to the provisions of the second section of the twelfth article of the constitution of this state, the mayor of such city shall forthwith upon the receipt of such bill fix a day for a public hearing in such city concerning such bill, and cause public notice of the time and place of such hearing to be given. In a city of the first class such hearing shall be before the mayor. In a city of the second or third class, such hearing shall be before the mayor and the legislative body of such city.

§ 31. Notice, how given.—In a city of the first class such notice shall be given by the mayor by causing such notice to be published for two successive days in two daily newspapers published in such city, to be designated by him. In a city of the second or third class such notice shall be given by the mayor by causing such notice to be published for three successive days in a daily newspaper published in such city to be designated by him, and he shall also cause a copy of such notice to be served upon each member of the legislative body of such city, either personally or by mail at least two days before the day fixed for such public hearing. Such notice shall also contain the title of the bill and any explanatory statement concerning the same which the mayor shall deem advisable.

§ 32. Hearing.—In a city of the first class, the mayor, and in a city of the second or third class the mayor and the legislative body of such city, shall attend at the time and place appointed for such hearing, and shall afford an opportunity for a public hearing concerning such bill.

§ 33. Return by mayor; contents of certificate.—After such hearing and within fifteen days after the transmission to him

of a certified copy of such bill, the mayor shall return the same to the house from which it was sent, or, if the session of the legislature at which such bill was passed has terminated, to the governor with the proper certificates attached, stating whether such city has or has not accepted the same. In a city of the first class such certificate shall be signed by the mayor. In a city of the second or third class such certificate shall be signed by the mayor and by the presiding officer of the legislative body of such city, and such bill shall not be deemed to have been accepted by such city, unless the mayor and a majority of the legislative body shall concur in such acceptance. The mayor shall also append to the certified copy of such bill a further certificate stating that the public notice provided for has been given, and if in a city of the second or third class, that a meeting of the legislative body has been held pursuant thereto, and that an opportunity for a public hearing concerning such bill has been offered pursuant to the provisions of the preceding sections, and such certificate shall be conclusive evidence thereof. Each certificate required under this section shall be under the seal of the city.

§ 34. Duties of clerk on return of mayor's certificate; endorsement on bill.—The clerk of the house in which such bill originated shall indorse upon the original bill to be presented to the governor, and upon the certified copy thereof to be transmitted to the mayor, the date of such transaction. Such clerk, if the certified copy of such bill is returned to the house in which the bill originated, or the governor, if such certified copy is returned to him, shall indorse the date of such return upon such original bill and also upon such certified copy thereof. In every case in which a bill for a special city law has been accepted by the city or cities to which it relates, the certified copy or copies thereof transmitted to the mayor or mayors of such city or cities and returned by him or them, with the certificates indorsed thereon or appended thereto, shall be attached to the original bill and presented therewith to the governor.

§ 35. Expenses of hearing to be a city charge.—The necessary expenses incurred by a city in complying with the requirements of this article shall be a city charge and shall be paid out of any fund or appropriation applicable thereto.

ARTICLE 3.**PLUMBING AND DRAINAGE.****Section 40. Examining boards of plumbers in cities.**

41. Term of office; vacancies.
42. Compensation of members of board.
43. Qualifications.
44. Powers and duties.
45. Examinations; conducting business without certificate prohibited.
46. Registration when required.
47. Cancellation of registration; notice.
48. Inspectors' qualifications; notice.
49. Duties of inspectors; reports.
50. Expiration and renewals of certificates and licenses.
51. Notice of violation of rules.
52. Notice, how served; proceedings when violations not removed.
53. Plumbing and drainage to be executed according to rules.
54. Office room; expenses a city charge.
55. Violations how punished.
56. Issue of licenses to connect with sewers and water mains, restricted.
57. Article limited.

§ 40. Examining boards of plumbers in cities.—The existing boards for the examination of plumbers in cities of this state are continued and each shall hereafter be known as the examining board of plumbers. Such board in each city shall continue to consist of five persons to be appointed by the mayor, of whom two shall be employing or master plumbers of not less than ten years' experience in the business of plumbing, and one shall be a journeyman plumber of like experience, and the other members of such board shall be the chief inspector of plumbing and drainage of the board of health of such city, or officer performing the duties of such inspector, and the chief engineer having charge of sewers in such city, but in the event of there being no such officers in such city, then any two other officers having charge or supervision of the plumbing drainage or sewerage, whom the mayor shall design-

nate or appoint, or two members of the board of health of such city having like duties or acting in like capacities.

§ 41. **Term of office; vacancies.**—The term of office of each member of such board shall be three years, from the first day of January following his appointment. Vacancies occurring by expiration of a term shall be filled by the mayor for a full term. Vacancies by death, removal, inability to act, resignation or removal from the city of any member shall be filled by him for the unexpired term. The chief inspector of plumbing and drainage and the engineer in charge of sewers or the officers holding equivalent positions or acting in like capacities designated or appointed by the mayor as herein provided, shall be ex officio members of such examining board, and when they shall cease to hold their offices by reason or on account of which they were so designated or appointed, their successors shall act on the examining board in their stead.

§ 42. **Compensation of members of board.**—The master and journeymen plumbers serving as members of such board shall severally be paid the rate of five dollars per day for each day's service when actually engaged in the performance of the duties pertaining to the office; but such compensation shall not exceed five dollars per month in a city of the third class, nor the sum of ten dollars per month in a city of the second class, nor the sum of twenty dollars per month in a city of the first class. It shall be the duty of such ex officio members of the board of examiners to discharge their duties as members of such board without compensation therefor.

§ 43. **Qualifications.**—All members of such board shall be citizens and actual residents of the cities in which they are appointed.

§ 44. **Powers and duties.**—The several examining boards of plumbers shall have power and it shall be their duty:

1. To meet at stated intervals in their respective cities; they shall also meet whenever the board of health of such city or the mayor thereof shall in writing request them so to do.

2. To have jurisdiction over and to examine all persons desiring or intending to engage in the trade, business or calling of plumbing as employing plumbers in the city in which such board shall be appointed with the power of examining persons applying for certificates of competency as such employing or master plumbers

or as inspectors of plumbing, to determine their fitness and qualifications for conducting the business of master plumbers or to act as inspector of plumbing, and to issue certificates of competency to all such persons who shall have passed a satisfactory examination before such board and shall be by it determined to be qualified for conducting the business as employing or master plumbers or competent to act as inspectors of plumbing.

3. To formulate in conjunction with the local board of health of the city or an officer, board or body performing the duties of a board of health a code of rules regulating the work of plumbing and drainage in such city, including the materials, workmanship and manner of executing such work and from time to time to add to, amend or alter the same.

4. To charge and collect from each person applying for examination the sum of five dollars for each examination made by such board, and all moneys so collected shall be paid over by the board monthly to the chamberlain or treasurer of such city in which such board shall be appointed.

§ 45. **Examinations; conducting business without certificate prohibited.**—A person desiring or intending to conduct the trade, business or calling of a plumber or of plumbing in a city of this state as employing or master plumber, shall be required to submit to an examination before such examining board of plumbers as to his experience and qualifications for such trade, business or calling, and it shall not be lawful in any city of this state for a person to conduct such trade, business or calling, unless he shall have first obtained a certificate of competency from such board of the city in which he conducts or proposes to conduct such business.

§ 46. **Registration, when required.**—Every employing or master plumber carrying on his trade, business or calling in any city of this state shall register his name and address at the office of the board of health of the city in which he shall conduct such business, under such rules as the respective boards of health of each of the cities shall prescribe, and thereupon he shall be entitled to receive a certificate of such registration, provided, however, that such employing or master plumber shall at the time of applying for such registration hold a certificate of competency from an examining board of plumbers.

§ 47. **Cancellation of registration; notice.**—Such registration may be canceled by such board of health for a violation of the

rules and regulations for the plumbing and drainage of such city duly adopted and enforced therein, after a hearing had before such board of health and upon a prior notice of not less than ten days stating the ground of complaint and served on the person charged with the violation, but such revocation shall not be operative unless concurred in by the local board of examiners. It shall not be lawful for any person to engage in or carry on the trade, business or calling of an employing or master plumber in any of the cities of this state, unless his name and address shall have been registered in the city in which he carries on or conducts such business.

§ 48. *Inspectors; qualifications; notice.*—The local board of health or the commissioner or commissioners of the board of health, or the health department thereof, as the case may be, shall detail, designate or appoint an inspector or inspectors of plumbing, subject, however, to the provisions or limitations of law, regulating the appointment of such inspectors by such commissioner or commissioners or board or department of health of such city. All inspectors of plumbing who are detailed, designated or appointed shall be practical plumbers and shall not be engaged directly or indirectly in the business of plumbing, during the period of their appointment. They shall be citizens and actual residents of the city in which they are appointed and before entering upon the discharge of their duties as such inspectors they shall each be required to obtain a certificate of competency from said examining board. They shall be entitled to receive compensation not exceeding five dollars per day for each day of actual service, to be fixed by the board, commission or department making such appointment.

§ 49. *Duties of inspectors; reports.*—The inspector or inspectors of plumbing appointed under the provisions of the preceding sections, in addition to the duties, prescribed by law, and those which may be enjoined or required by the commissioner of health, the board of health or the health department of the city in which they shall be appointed, shall be to inspect the construction and alteration of all plumbing work performed in such city, and to report in writing the results of such inspection to such commissioner of health or the board of health or the health department of their respective cities. They shall also report in like manner any person engaged in or carrying on the business of

employing plumber, without having the certificate hereinbefore provided.

§ 50. **Expiration and renewals of certificates and licenses.**—All certificates of registration issued under the provisions of the preceding sections and all licenses authorizing connections with street sewers or water mains shall expire on the thirty-first day of December of the year in which they shall be issued, and may be renewed within thirty days preceding such expiration. Such renewals to be for one year from the first day of January in each year.

§ 51. **Notice of violation of rules.**—Whenever any inspector or other person reports a violation of any of such rules and regulations for plumbing and drainage, or a deviation from any officially approved plan or specification for plumbing and drainage filed with any board or department, the local board of health shall first serve a notice of the violation thereof upon the master plumber doing the work, if a registered plumber.

§ 52. **Notice how served; proceedings when violations not removed.**—Such notice may be served personally or by mail, and if by mail it may be addressed to such master plumber at the address registered by him with such local board of health, but the failure of a master plumber to register will relieve any board of health from the requirement of giving notice of violation. Unless the violation is removed within three days after the day of serving or mailing such notice, exclusive of the day of serving or mailing, the board of health may proceed according to law.

§ 53. **Plumbing and drainage to be executed according to rules.**—The plumbing and drainage of all buildings, both public and private, in each of the cities of this state, shall be executed in accordance with the rules and regulations adopted by the local board of examining plumbers, in conjunction with the board of health for plumbing and drainage, and all repairs and alterations in the plumbing and drainage of all buildings heretofore constructed shall also be executed in accordance with such rules and regulations; but this section shall not be construed to repeal any existing provision of law requiring plans for the plumbing and drainage of new buildings to be filed with any local board of health and be previously approved in writing by such board of health and be executed in accordance therewith,

except that in case of any conflict with such plans, rules and regulations of the board of examiners, the latter shall govern.

§ 54. Office room; expenses a city charge.—Each of such examining boards of plumbers shall have power to procure suitable quarters for the transaction of business, to provide the necessary books and stationery and to employ a clerk to keep such books and record the transactions of such board. The board of estimate and apportionment or the common council of a city as the case may be shall annually insert in their tax levy a sufficient sum to meet all the expenditures incurred under the provisions of this article. The expenses incurred by the several examining boards of plumbers in the execution and performance of the duties imposed by this article shall be a charge on the respective cities and shall be audited, levied, collected and paid in the same manner as other city charges are audited, levied, collected and paid.

§ 55. Violations how punished.—Any person violating any of the provisions of this article, or any rules or regulations of the board of health or of the examining board of plumbers in any city regulating the plumbing and drainage of buildings in such city, shall be guilty of a misdemeanor, and on conviction if a master plumber, shall in addition, forfeit any certificate of competency or registration, which he may hold under the provisions thereof.

§ 56. Issue of licenses to connect with sewers and water mains, restricted.—The commissioner of public works of any city, or the officer or officers acting in a like capacity in any of the cities of this state, and having charge of the sewers and water mains therein, shall not issue a license to any one to connect with the sewers or with the water mains of such cities, unless such person has obtained and shall produce a certificate of competency from the examining board of such city.

§ 57. Article limited.—Nothing in this article shall affect or supersede any provision of chapter eight hundred and three of the laws of eighteen hundred and ninety-six, relating to plumbing in the city of New York.

ARTICLE 4.

BRIDGES.

Section 70. Submission of proposition to borrow money.

71. Special meeting.

Section 72. Notice of submission.**73. Ballots.****74. Polls of special meeting; certificate of result.****75. Erection of bridge; acquisition of lands.****76. Issue of bonds.****77. Lien on city property.****78. Tax for interest and principal.****79. Bridges to be free.****80. Application of article.**

§ 70. Submission of proposition to borrow money.—Whenever the common council of any city shall by resolution declare and determine that the interests of such city and the convenience of the public require that a bridge should be erected across any stream or watercourse within the corporate limits of such city, such common council is authorized to submit to the qualified electors of such city, being taxpayers, at any annual charter election held in such city, or at a special meeting of such electors, being taxpayers, held for that purpose, the proposition whether the amount needed to build such bridge shall be borrowed by such city.

§ 71. Special meeting.—In case such proposition shall be submitted to such electors at a special meeting, the common council shall by resolution prescribe by whom, and in what manner and at what place or places, within such city such special meeting shall be held.

§ 72. Notice of submission.—Whether such proposition shall be submitted at the annual election or at a special meeting, the city clerk shall give at least two weeks' notice of such submission by publishing at least twice, notice thereof in two newspapers published in any such city, and by posting such notices in at least one public place in each ward of such city, at least ten days prior to the time mentioned in such notice for such submission, which notice shall set forth the estimated cost of such bridge and the proposed location of the same, and the time and place or places of such submission.

§ 73. Ballots.—The vote shall be by ballot and ballots therefor shall be provided by the common council for that purpose of two kinds, one containing the words "For the building of a bridge and borrowing the money by the city to defray the cost of the same," and the other containing the words "Against build-

ing a bridge and borrowing the money by the city to defray the cost of the same."

§ 74. Polls of special meeting; certificate of result.—If such special meeting be held, the polls of such special meeting shall be kept open at least from nine o'clock in the forenoon until four o'clock in the afternoon, and the persons directed to hold and holding the same shall certify the result thereof to the common council, and if such proposition is submitted at the annual election, the inspectors of such election shall certify the result thereof to the common council and such common council shall at its next regular meeting held after such result is so certified or at a special meeting called for that purpose by resolution to be entered in its minutes, declare according to the fact whether such proposition was carried or not and whether a majority of such votes were cast in favor of or against such proposition and such declaration shall be conclusive evidence of the fact it shall declare.

§ 75. Erection of bridge; acquisition of lands.—If such proposition is carried and so declared, then such common council is authorized to erect such bridge and acquire such land as may be needed for the approaches thereof, and if for any reason such lands cannot be acquired by purchase, to acquire the same by condemnation for the public use thereof, pursuant to existing laws.

§ 76. Issue of bonds.—Such common council is authorized to borrow such sum of money as may be needed to defray the cost of such bridge, and such land, at a rate of interest not exceeding four per centum per annum and to secure the payment of the sum so borrowed, to issue the bonds of the city to an amount not exceeding such cost. Such bonds shall be an obligation of such city and shall be signed by the mayor of such city, countersigned by the clerk, and shall bear the corporate seal of such city, but the interest coupons or warrants need only be signed by the mayor. The principal of such bonds or obligations shall be made payable at such times and in such amounts not exceeding fifty years from their date, as the common council may deem best, and shall bear interest at the rate of not exceeding four per centum per annum; the interest thereon shall be payable semi-annually and the principal and interest may be made payable in the city of New York.

§ 77. **Lien on city property.**—The principal and the interest of such bonds or obligations shall be a lien on the taxable property of such city, and the credit of such city is hereby pledged for the payment of the same, and the money so borrowed shall be used and appropriated for the purpose contemplated by this article, and for no other purposes, and such bonds or obligations shall not be sold for less than par.

§ 78. **Tax for interest and principal.**—The common council of such city shall have power, and it shall be their duty, from time to time, and as often as it may become necessary, to provide for the payment at maturity of the principal of all bonds or obligations authorized by this article, and issued pursuant thereto, and the interest thereon, and to include in the annual tax levy and cause to be levied and collected each and every year until such bonds and the interest thereon shall be fully paid, such sum or sums of money as will be necessary to pay such bonds or obligations and the interest thereon at maturity, and see that the moneys so raised and collected are applied to the payment of such principal and interest.

§ 79. **Bridges to be free.**—Every bridge erected pursuant to the provisions of the preceding sections, shall be free to the public.

§ 80. **Application of article.**—The provisions of this article shall not apply to any bridge erected or authorize the erection of any bridge on the Hudson river below Waterford, or on the East river or over water forming a part of the boundaries of the state.

ARTICLE 5.

POLICE MATRONS.

Section 90. **Police station houses for the detention of women;**
how designated.

91. **Police matrons; how appointed.**

92. **Term of service, salaries, vacancies.**

93. **When police matrons to reside at station houses.**

94. **Women under arrest to have separate accommodations.**

95. **Proceeding in case of arrest of women.**

96. **Women defined.**

97. **Appropriations under article, how made.**

Section 90. Police station houses for the detention of women; now designated.—The mayor of every city containing a population of twenty-five thousand shall and the mayor of every other city when authorized by a resolution of the common council may designate one or more station houses within his city for the detention and confinement of all women under arrest in such city. Such mayor or board of commissioners of police may at any time designate for such purpose any additional station house or houses, or may revoke the designation of any station house or houses theretofore designated, provided that at least one such station house shall at all times be so designated for such purpose in each city.

§ 91. Police matrons; how appointed.—The mayor of each city shall appoint for each station house designated as provided in the preceding section, not more than two respectable women who shall be known as police matrons in the same manner and under the restrictions governing the appointment of patrolmen, so far as the same may be applicable, except that any rule or regulation as to the age of a person appointed patrolmen shall not apply to matrons appointed under the provisions of this article. No women shall be appointed a police matron unless suitable for the position and recommended therefor in writing by at least twenty women of good standing, residents of the city in which the appointment is made. In cities where there are no station houses, and where the county jail is used for the purposes of a house of detention, it shall be deemed a compliance with the provisions of this article if there shall be in constant attendance at such jail, so long as any woman is detained under arrest therein, a woman properly qualified for and who shall perform the duties herein imposed upon police matrons.

§ 92. Term of service, salaries, vacancies.—Police matrons shall on appointment, hold office until removed, and they may be removed at any time by the authority appointing them, after an opportunity to be heard, by written order stating the cause of such removal. Upon the death, resignation or removal of a police matron, her successor shall be appointed as soon as may be, in the manner hereinbefore provided. A police matron shall receive a compensation or salary to be fixed by the common council in the several cities where such matrons shall be pro-

vided, not exceeding in any case the minimum salary paid to patrolmen in the city in which such matron is appointed.

§ 93. When police matrons to reside at station house.—When only one police matron is attached to a police station, she shall reside there, or within a reasonable distance therefrom, and shall hold herself in readiness to respond to any call therefrom at any hour of the day or night, and each matron shall, during such hours as may be fixed by the head of the police department, remain in such station and hold herself in readiness to respond to any call therefrom. So long as any woman is detained or held under arrest in a police station to which a police matron is attached, it shall be the duty of such matron to remain constantly thereat, ready for service; or if there be more than one matron attached to such station, then one of them shall be constantly ready for service. A police matron shall, subject to the officer in charge of such station house, have the immediate care and charge of all women held under arrest in the station to which she is attached, and she may at any time call upon the officer in charge of such station for assistance. She shall be subject to the authority of the board of police, or if there be no such board, then to the chief of police in the city where she may be appointed, and to the rules prescribed by such authority, but at a station where she may be on duty she shall be subject only to the authority of the officer in charge thereof.

§ 94. Women under arrest to have separate accommodations.—It shall be the duty of the boards of commissioners of police in every city, or if there be no board of police, then of the mayor of such city, to provide sufficient accommodations for women held under arrest to keep them separate and apart from the cells, corridors and apartments provided for males under arrest, and to so arrange each station house that no communication can be had between the men and women therein confined, except with the consent of the matrons and officers in charge of such station house.

§ 95. Proceeding in case of arrest of women.—Whenever a woman is arrested and taken to a police station, to which a matron is attached, it shall be the duty of the officer in charge of the station to cause such matron to be summoned forthwith, and whenever, in any city in which a police matron has been appointed, a woman is arrested and taken to a station house to

which no matron is attached, it shall be the duty of such officer to cause such woman to be removed as soon as possible to the nearest station house within such city to which a police matron is attached. No such separate confinement nor any such removal of any woman shall operate to take from any court any jurisdiction it has.

§ 96. **Woman defined.**—The term “woman” as used in this article shall not include any female either actually or apparently under the age of sixteen years, whose care is assumed by any society, referred to in section two hundred and ninety-three of the penal code; but every such female upon being taken to a station house shall be at once transferred therefrom, by the officer in charge, to the custody of such society.

§ 97. **Appropriations under article, how made.**—The proper local authorities of each city in which a police matron has been appointed shall appropriate annually such sum as may be needed for the separate care and confinement in station houses of any women arrested in such city, and for the appointment, salary and maintenance of police matrons for the purposes of this article.

ARTICLE 6.

LODGING HOUSES.

Section 110. Daily register to be kept in licensed lodging house before elections.

111. Boards of health to prepare registers.

112. Returns to be made to boards of health.

113. Cost of registers to be a city charge; registers to be open to the public.

114. Lodging house defined.

115. Violation of preceding sections a misdemeanor revocation of license.

§ 110. **Daily register to be kept in licensed lodging house before elections.**—The proprietor, lessee or keeper of a licensed lodging-house in a city of the first class, shall between September first and November fifteenth, of each year, keep a daily register of lodgers within such lodging-house.

§ 111. **Boards of health to prepare registers.**—The board of health of a city of the first class shall prepare books for the

registration of such lodgers, and blanks for the returns herein-after mentioned. Such books shall be known by the general name of "registers," and shall be ruled in parallel columns, in which shall be entered the name, birthplace, residence (by state, county, town or city, and street number, if any), features and character of each lodger. Under the term "features" shall be included columns for the color, approximate age, height and weight, together with any peculiarities of form or visible marks on the face of such lodger, and under the heading of "character" shall be stated as to each lodger whether he is a monthly, weekly or daily lodger, and whether or not he occupies a bed.

§ 112. Returns to be made to boards of health.—The proprietor, lessee or keeper of a lodging house shall, during the period between September first and November fifteenth, make sworn fortnightly returns to the board of health of such city, according to the general regulations and upon blank forms to be prescribed by such board, containing the names of the lodgers therein during the twenty-four hours preceding the making of such return, and the facts as to each required to be stated in such register.

§ 113. Cost of registers to be a city charge; registers to be open to the public.—The "registers" and blanks provided for in the preceding sections shall be a city charge, and shall be given to every applicant to whom a license to keep a lodging house is granted, and such registers shall during all reasonable hours be open to the inspection of the public.

§ 114. Lodging house defined.—A lodging house shall be taken to mean and include any house or building, or the portion thereof, in which persons are harbored, or received or lodged for hire for a single night, or less than a week at one time, or any part of which is let to any person to sleep in for any term less than a week.

§ 115. Violation of preceding sections a misdemeanor revocation of license.—A violation of the preceding sections of this article by the proprietor, lessee or keeper of a licensed lodging house in a city of the first class, shall be a misdemeanor, punishable by a fine of ten dollars or by imprisonment for ten days for each and every offense, and shall cause the license of such lodging house to be revoked.

ARTICLE 7.**ART COMMISSION.**

Section 120. Purchase of art productions in certain cities.

121. Art commissioner.

122. Selection and placing of art productions.

§ 120. Purchase of art productions in certain cities.—Cities of the first and second class are hereby authorized, in the discretion of those officers or bodies in such cities that have charge of the appropriation of the public funds, to purchase works of art which are the production of professional artists who are citizens of the United States, and have been executed in the United States. The word “productions” shall be held to include among other works of art, mural paintings or decorations which artists may be employed to put on the walls of public buildings of such cities, mosaic and stained or painted glass. A city of the first class may expend under this section any amount not to exceed fifty thousand dollars, annually. A city of the second class may expend under this section not to exceed ten thousand dollars annually.

§ 121. Art commissioners.—Where provision is not made by law for an art commission for any city of the first or second class, the mayors of such city shall, as soon as any city decides to expend any moneys under the provisions of this article, appoint art commissioners for such cities. Such commissioners may include women, but shall not contain more than a bare majority of persons selected from any one political party. It shall be composed of persons who are experts in art matters.

§ 122. Selection and placing of art productions.—All art productions purchased under this article shall be selected by the art commission of the city, and shall be placed in the public buildings, grounds or parks thereof for the purpose of beautifying the same.

ARTICLE 8.**CONTRACTS FOR SUPPLY OF GAS.**

Section 130. Contracts with corporations for supply of gas.

131. Letting of contracts to be public.

132. Contract to provide for reduction of price.

Section 130. Contracts with corporations for supply of gas.—The municipal officers authorized by law to contract in behalf of any city of the first class, for the lighting of its streets may, from time to time, in the manner, upon the terms and with the conditions hereinafter provided contract in behalf of such city with any corporation or corporations then supplying gas therein for a supply of gas to such city, for and during such specified period not exceeding fifteen years as shall by such municipal officers be deemed to be for the best interests of such city and of the inhabitants thereof.

§ 131. **Letting of contract to be public.**—Every such contract shall be let at public letting as required by law, and as a consideration for the execution and performance thereof shall expressly provide for and secure to such city, prices lower than any now prescribed therein by law, and a progressive reduction in such price for each year during the continued performance of such contract and also adequate assurance of the continuing mutual performance of such contract according to the conditions thereof, with proper indemnity to either party to such contract against any possible violation, impairment, abrogation or supersession thereof, within the term specified.

§ 132. **Contract to provide for reductions of price.**—Every such contract shall also provide and require that during the term therein specified the corporation party thereto may and shall supply gas to the inhabitants of such city at prices lower than those now or then charged therein by such corporation party thereto and progressively lower for each year of such term; any company or corporation bidding for such contract shall specify such several prices and reductions of price for the several classes and terms of gas supply, and the same shall be considered in the award of any such contract to the bidders or bidder therefor, and the corporation receiving any such contract shall be entitled to charge and collect the prices therein specified during the continuance thereof. Nothing in this article contained is intended or shall be construed to affect or impair any existing right or contract except with the consent of the parties to any such contract.

ARTICLE 9.

HOSPITALS FOR TREATMENT OF PULMONARY TUBERCULOSIS.**Section 140. Establishment of hospitals.****141. Selection of site.****142. Jurisdiction of local board of health.**

Section 140. Establishment of hospitals.—A city of the first class, shall have power whenever its board of health shall deem it necessary for the promotion of the health of its inhabitants, to establish, equip and maintain, outside of its corporate limits, and not within the limits of any other city or any village, a hospital or hospitals for the regular treatment of the disease known as pulmonary tuberculosis.

§ 141. Selection of site.—Whenever a city of the first class shall desire to exercise the power conferred by this article it shall through its board of health, select such locality outside of its corporate limits, but within the state, and not within the corporate limits of any other city or any village, as it may consider best adapted by reason of climatic and other conditions for the treatment of such disease, and shall make application to the state board of health for the approval of the site so selected. Upon such approval being given the city may acquire title to such lands as its board of health may designate, within the limits of the locality submitted to and approved by the state board of health. The provisions of law relating to the acquiring of private property for public purposes are hereby made applicable as far as may be necessary to the acquiring of title to such lands.

§ 142. Jurisdiction of local board of health.—All hospitals or institutions now or hereafter established or maintained by any city of the first class for the regular or special treatment of persons suffering from the disease known as pulmonary tuberculosis shall be subject to the approval of the local board of health; special wards or pavilions for the treatment of cases of pulmonary tuberculosis in existing hospitals shall be provided with separate nurses, cooking utensils, washing and plumbing facilities.

ARTICLE 10.**PROTECTION OF PURCHASERS OF COAL.**

Section 150. Attempting to deliver or sell less than a legal ton.

151. Delivery of tickets.

152. Proviso as to delivery of entire cargo.

153. Scales, designation of.

154. Owner of scales to give bonds.

155. Publication of designation.

156. Penalty for fraudulent weighing.

157. Owner of scales to keep memorandum book.

158. Right of purchaser to have coal reweighed.

159. Penalty for refusal to permit coal to be weighed.

160. Recovery and disposition of penalties.

161. Bills of lading; penalty for altering.

Section 150. Attempting to deliver or sell less than a legal ton.—
In all transactions relating to the sale or delivery of coal two thousand avoirdupois pounds in weight shall constitute a legal ton. A person, firm or corporation, in a city of the first or second class attempting to sell or deliver less than two thousand pounds by weight to a ton of coal, or a proper proportion thereof to quantities less than a ton, shall be liable to a penalty of not exceeding fifty dollars, provided that in all cases thirty pounds to a ton shall be allowed for the variation in scales and wastage.

§ 151. Delivery tickets.—It shall be unlawful for any person, firm or corporation delivering coal in cities of the first or second class to deliver or cause to be delivered any quantity or quantities of coal which shall have been sold by weight, without each such delivery being accompanied by a delivery ticket, and a duplicate thereof, on each of which shall be in ink, or other indelible substance, distinctly expressed in pounds the quantity or quantities of coal contained in the cart, wagon or other vehicle used in such delivery, with the name of the purchaser thereof and the name of the dealer from whom purchased. One of such tickets shall be delivered to the purchaser of the coal specified thereon, and the other of such tickets shall be retained by the seller of the coal. Any person, firm or corporation who shall violate the provisions of this section shall be liable to a penalty of not exceeding fifty dollars.

§ 152. Proviso as to delivery of entire cargo.—The preceding section shall not apply to coal delivered by the entire cargo direct from the vessel containing the same to one destination and accepted by the purchaser on the original bill of lading as proof of weight; but with every such delivery of an entire cargo of coal in any city of the first or second class, there shall be delivered to the purchaser thereof one of the original bills of lading, issued by the person, firm or corporation by whom the coal was loaded into the vessel from which such coal is delivered to the purchaser of the entire cargo thereof, on each of which bills of lading there shall be in ink or other indelible substance distinctly expressed the date and place of loading such cargo, and the number of pounds contained therein. Any person, firm or corporation who shall violate the provisions of this section shall be liable to a penalty of not exceeding fifty dollars.

§ 153. Scales, designation of.—There may be designated by the respective mayors of the cities of the first and second class, stationary or movable scales, suitable for the purpose of weighing coal, the owners of which may tender the same for public use in different parts of the city in such convenience in number and locality as shall be deemed necessary, on which the coal or coal vehicle, with or without coal, may be weighed at the request of the purchaser of the coal. The scales so designated shall be provided at the expense of the owners thereof, with test weights, and shall be subject at all times to the inspection and supervision of the sealers or inspectors of weights and measures in such city who shall inspect such scales at least once in each month. Such scales shall also be provided by the owner thereof with a competent weighmaster. The owner of such scales shall be entitled to charge for weighing coal and coal vehicles containing coal, at such sales, a fee of not exceeding fifteen cents per ton of coal; empty vehicles returning to such scale after delivery of the coal so weighed therein shall be reweighed without further charge.

§ 154. Right of purchaser to have coal reweighed.—It shall be the right of every purchaser of coal in any of the cities of the first and second class, before accepting the delivery of the same, to have any of the delivery of such coal weighed at his expense, at any of the scales designated under the provisions of the preceding sections, provided such scales are within a half mile of the place of loading or the place of the delivery of the coal, and

for this purpose to require that any vehicle containing coal purchased by him shall be taken by the driver or other person in charge thereof to such scales for the purpose of having the same weighed, and after the delivery of the coal to require that the vehicle from which such coal so purchased shall have been delivered shall be taken by the driver thereof, or any other person in charge thereof, to such scales to be weighed at the expense of the purchaser thereof, and a certificate of the weight of such coal, so weighed as aforesaid shall thereupon be furnished to the purchaser of such coal by the owner of the scales at which such coal is so weighed.

§ 155. Penalty for refusal to permit coal to be weighed.—The refusal of any seller of coal to permit coal purchased from him to be reweighed at the request of the purchaser thereof, as aforesaid, or any driver or other person in charge of a vehicle containing coal, or from which coal has been delivered, to take the same at the request of the purchaser to such scale or such scales for the purpose of having the same weighed, provided however that the purchaser of such coal shall have first paid the owners of the scales or to the seller of such coal or to the driver or other person in charge of the vehicle containing such coal, an amount sufficient to meet the charges for weighing such coal, shall render the person, firm or corporation selling the coal liable to a penalty not to exceed fifty dollars.

§ 156. Owner of scales to give bonds.—The owner of such scales so designated, shall enter into a bond with the city in which such scales are situated, in the sum of five hundred dollars with two sufficient sureties, conditioned that such scales shall be kept in such condition as at all times to properly register the weight of coal, and that the person weighing coal thereat shall perform his duties faithfully, and furnish correct certificates to all persons having coal or coal vehicles weighed at such scales. The amount of such bond shall be recoverable at the suit of the city on proof that any of the conditions thereof have not been complied with.

§ 157. Publication of designation.—The designation of scales shall be in writing signed by the mayor of the city in which such scales are situated, and a copy thereof inserted in any official publication in such city, and if there be none in a newspaper published therein.

§ 158. **Penalty for fraudulent weighing.**—Any owner of such scales or any agent or representative of his, or any weighmaster employed by him thereat, who shall be in any manner concerned in any fraudulent weighing of coal at such scales, shall be guilty of a misdemeanor, and shall be punishable by fine of not exceeding five hundred dollars or by imprisonment for one year, or by both such fine and imprisonment.

§ 159. **Owner of scales to keep memorandum book.**—Every owner of such scales shall keep a book in which shall be entered in ink a memorandum of every load of coal weighed at such scales, showing the name of the person, firm or corporation delivering such coal, the net weight thereof as shown by the delivery ticket thereof of such person, firm or corporation, the name of the purchaser thereof, the gross and net weight of the coal so weighed, and the date of weighing. Such book shall be the book of original entries, and all certificates delivered by the owner of such scales shall be copies of the entries contained therein, and such books shall at all reasonable hours be open to the inspection of any citizen.

§ 160. **Recovery and disposition of penalties.**—The penalties provided in this article shall be recoverable at the suit of the city in which such penalties are incurred, and the amount so collected, as well as any amount collected in suits brought to recover the amounts due on bonds given under the provision of this article, shall be paid over, one-half to any police pension or relief fund in such city, and one-half to any firemen's pension or relief fund therein.

§ 161. **Bills of lading. Penalty for altering.**—A person guilty of altering with intent to defraud, any original bill of lading issued by the person, firm or corporation by whom the coal was loaded into the vessel in which such coal is transported to any city of the first or second class, in this state, or of uttering any such bill of lading so altered, or who is guilty of making, preparing or subscribing or uttering a false or fraudulent manifest, invoice or bill of lading thereof, or removing any part of such cargo of coal without having the amount thereof certified to in writing on such original bill of lading, by the person, firm or corporation receiving the coal so removed, and by the captain of the vessel containing such cargo, is punishable by imprisonment in a state prison, not exceeding three years or by a fine not

exceeding one thousand dollars, or both, and the delivery of any fraudulent bill of lading to any purchaser of coal shall be presumptive evidence of uttering the same with criminal intent.

ARTICLE 11.

EFFECT OF CHAPTER; LAWS REPEALED.

Section 170. Saving clause.

171. Construction.

172. Laws repealed.

173. Time of taking effect

§ 170. *Saving clause.*—The repeal of a law or any part of it specified in the schedule hereto annexed shall not affect or impair any act done or right accruing, accrued or acquired, or liability, forfeiture or penalty incurred prior to October first, nineteen hundred, under or by virtue of any law so repealed, but the same may be asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such law had not been repealed; and all acts and proceedings, civil or criminal, commenced under or by virtue of the laws so repealed and pending on the thirtieth day of September, nineteen hundred, may be prosecuted and defended to final effect in the same manner as they might under the laws then existing, unless it shall be otherwise specially provided by law.

§ 171. *Construction.*—The provisions of this chapter so far as they are substantially the same as those of laws existing on September thirtieth, nineteen hundred, shall be construed as a continuation of such laws, modified or amended according to the language employed in this chapter, and not as new enactments; a reference in laws not repealed to provisions of laws incorporated into this chapter and repealed shall be construed as applying to the provisions so incorporated; and nothing in this chapter shall be construed to amend or repeal any provision of the criminal or penal code.

§ 172. *Laws repealed.*—The following acts and parts of acts are hereby repealed. The laws or parts thereof specified in the schedule hereto annexed and all acts amendatory thereof in force when this chapter takes effect, including all such amendatory acts, passed in nineteen hundred.

§ 173. *Time of taking effect.*— This chapter shall take effect on the first day of October, nineteen hundred.

SCHEDULE OF LAWS REPEALED.

Laws of	Chapter.	Section.	Subject.
1835.....	243.....	All.....	Firemen removing from one city to another.
1860.....	39.....	All.....	Common council may compel attendance of witnesses.
1872.....	590.....	2, 4.....	Parades and processions forbidding except on notice.
1880.....	434.....	All.....	Licensing business on canal.
1886.....	543.....	All.....	Amends 1872, ch. 590, § 2.
1888.....	420.....	All.....	Police matrons in cities.
1891.....	90.....	All.....	Amends 1888, ch. 420, §§ 1-7.
1892.....	209.....	All.....	Building bridges by cities.
1892.....	602.....	All.....	Plumbing in cities.
1892.....	685.....	28.....	Interest in contracts.
1893.....	66.....	All.....	Amends 1892, ch. 602, § 6.
1893.....	162.....	All.....	Amends 1892, ch. 602, §§ 4, 5, 12.
1893.....	344.....	2.....	Term of office of supervisors in cities.
1895.....	1.....	All.....	Bills to be sent to cities for approval.
1895.....	9.....	All.....	Bills to be sent to cities for approval.
1895.....	548.....	All.....	Commission to prepare general laws for cities of second class.
1895.....	758.....	All.....	Lodging houses in cities of first class.
1895.....	990.....	All.....	Contracts for gas supply in cities of the first class.
1895.....	1011.....	All.....	Commission to prepare general laws for cities of third class.
1896.....	530.....	All.....	Bituminous coal in cities.
1896.....	823.....	All.....	Public celebrations in cities of the first class.
1897.....	174.....	All.....	Protection of purchasers of coal.

Laws of	Chapter.	Section.	Subject
1899.....	59.....	All.....	Observance of Memorial day in cities of third class.
1898.....	395.....	All.....	Development of art in cities.
1899.....	237.....	All.....	Amends 1892, ch. 685, § 28.
1899.....	637.....	All.....	Tuberculosis hospitals.

Chap. 328.

AN ACT authorizing, empowering and directing the common council of the city of Rochester to re-assess the amount of the cost and expense of improving Dartmouth street from the south side of Thayer street to Park avenue, upon the property benefited thereby.

Accepted by the city.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The common council of the city of Rochester is hereby authorized, empowered and directed to re-assess the amount of the cost and expense of improving Dartmouth street from the south side of Thayer street to Park avenue, pursuant to an ordinance adopted by the common council of the city of Rochester on the twenty-sixth day of October, eighteen hundred and ninety-six, together with all expenses incident to the making of the improvement and the assessment therefor, and all sums paid or incurred by the city of Rochester as interest upon bonds, notes or other obligations issued by it to raise the money to pay the cost and expense of said improvement, upon the lands in said city which the said common council shall deem benefited by said improvement; and the common council of the city of Rochester is hereby authorized and empowered to fix and designate the district, area or portion of said city which they deem benefited by said improvement, and to fix, designate and determine the district, area or portion of said city to be assessed without regard to the district or area mentioned and described in the ordinance or ordinances passed by the common council of the city of Rochester, directing

Re-assessment of expense of improvement.

and authorizing the making of said improvement. Said re-assessment to be made in the manner provided for assessments for local improvements under the charter of the city of Rochester.

§ 2. This act shall take effect immediately.

Chap. 329.

AN ACT to amend chapter three hundred and forty-eight of the laws of eighteen hundred and eighty-five, entitled "An act to authorize the appointment of stenographers for grand juries, and to fix the compensation for such stenographers" relating to grand jury stenographers of Monroe county.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section seven of chapter three hundred and forty-eight of the laws of eighteen hundred and eighty-five, entitled "An act to authorize the appointment of stenographers for grand juries and to fix the compensation of such stenographers," as amended by chapter eighty-two of the laws of eighteen hundred and ninety-four, chapter six hundred and sixty-one of the laws of eighteen hundred and ninety-five, chapter twenty-five of the laws of eighteen hundred and ninety-seven and chapters forty-five and five hundred and sixteen of the laws of eighteen hundred and ninety-nine, is hereby amended so as to read as follows:

Compensa-
tion of sten-
ographer.

§ 7. Each stenographer appointed as aforesaid shall receive such compensation for services rendered while engaged in taking testimony before a grand jury, as shall be determined by the board of supervisors of the county in which he is appointed, excepting that in the county of New York, such compensation shall be fixed by the board of estimate and apportionment of the city of New York, and such compensation shall not be less than five nor more than ten dollars per day; and in addition thereto such stenographer shall be entitled to and shall be allowed for a copy of testimony furnished to the district attorney the same rate per folio as is now allowed to the stenographers of the county court

or court of common pleas, in their respective counties, and such clerk shall receive the same compensation for all copies of the evidence in excess of three copies, furnished by him to the district attorney. Such compensation shall be a county charge, and shall be paid by the treasurer of such county upon the affidavit of the stenographer and the certificate of the district attorney specifying the number of days of actual service and the number of folios furnished; excepting, that in the county of Monroe, the stenographer known as the first stenographer shall receive an annual salary of fifteen hundred dollars, and the stenographer known as the second stenographer shall receive an annual salary which shall be not less than seven hundred and twenty dollars, and excepting that in the county of Albany said stenographer shall receive a salary of twelve hundred dollars per annum; and excepting that in the counties of Queens and Oneida said stenographer shall receive a salary of one thousand dollars per annum. Such salaries shall be a county charge and shall be paid monthly by the treasurer of said county in the same manner as the salaries of other county officers are paid.

§ 2. This act shall take effect immediately.

Chap. 330.

AN ACT to amend the county law, being chapter eighteen of the general laws, relating to assistant district attorneys of Monroe county.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and three of article ten of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two, entitled "An act in relation to counties, constituting chapter eighteen of the general laws," as amended by chapter seventy of the laws of eighteen hundred and ninety-three, and chapter four hundred and nine of the laws of eighteen hundred and ninety-seven, is hereby amended so as to read as follows:

§ 203. In Erie, Monroe and Rensselaer counties.—The district attorney of Erie county may appoint in and for the county of Erie in the manner provided in the last section, and with like powers, two assistants, to be called respectively the first and second assistant district attorneys, and a managing clerk, who shall severally take the constitutional oath of office before entering upon the duties thereof; and the district attorney shall be responsible for their acts. The district attorney of Monroe county may appoint in and for the county of Monroe, in the manner provided in the last section, and with like powers, three assistants, to be called respectively the first, second and third assistant district attorneys, who shall severally take the constitutional oath of office before entering upon the duties thereof; and the district attorney shall be responsible for their acts. They may also appoint a person to act as interpreter at all sessions of the grand juries of the counties of Erie and Monroe, and of the city of Buffalo, whose compensation shall be fixed by the court in and for which such grand jury may be empaneled. The district attorneys of the counties of Erie and Monroe shall each be entitled to receive in addition to their salary, all costs collected by them in actions and proceedings prosecuted and defended by them. The county judge or the special county judge of the county of Monroe, or any supreme court judge, shall have power, on the application of the district attorney of Monroe county, to order and direct the county treasurer of Monroe county to pay to the district attorney any sum of money expended or incurred by him in the performance of his duties in his office, and the county judge of the county of Rensselaer, or any supreme court judge, shall have power, on the application of the district attorney of Rensselaer county to order and direct the county treasurer of Rensselaer county to pay to the district attorney any sum of money expended or incurred by him in the performance of his duties in his office.

§ 2. This act shall take effect immediately.

Chap. 331.

AN ACT to authorize the city of Binghamton to expend a sum of money, not exceeding one hundred thousand dollars, in the construction of trunk sewers in the Chenango and Susquehanna rivers within said city, for the purpose of conducting the sewerage of said city to a point in the Susquehanna river near the western limits of said city, and to issue bonds therefor.

Accepted by the city.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The city of Binghamton is hereby authorized to expend a sum of money, not exceeding one hundred thousand dollars, in the construction of trunk sewers in the Chenango and Susquehanna rivers within said city, for the purpose of conducting the sewerage of said city to a point in the Susquehanna river near the western limits of said city, in such manner as the mayor and common council of said city shall determine, provided it shall be decided at a special election of said city, to be held in the manner prescribed by title fourteen of chapter two hundred and fourteen of the laws of eighteen hundred and eighty-eight, being the charter of said city, that the sum of one hundred thousand dollars, or so much thereof as may be deemed necessary, shall be raised by said city for said purpose by issuing bonds therefor; and the same procedure in the preparation, filing and adoption of plans and specifications for the work, and the advertising and letting of the work shall be had, as near as may be, as in the case of the construction of other sewers under the provisions of the charter of said city.

§ 2. At such special election, the ballots shall be, "For the issuing of bonds to raise not to exceed one hundred thousand dollars for the construction of trunk sewers in the Chenango and Susquehanna rivers," and, "Against the issuing of bonds to raise not to exceed one hundred thousand dollars for the construction of trunk sewers in the Chenango and Susquehanna rivers."

§ 3. The mayor and common council of the city of Binghamton are hereby authorized to cause the holding of said special elec-

Expend-
ture author-
ized.

Special
election.

Ballots.

Issue of
bonds.

tion in the manner prescribed by said title fourteen, except as necessarily modified by this act; and in case a majority of the ballots cast at such election shall be in favor of the issuing of said bonds, the city of Binghamton, through its mayor and common council, is hereby authorized to borrow for said purpose upon the credit of said city, in pursuance of this act, said sum of not exceeding one hundred thousand dollars, upon such terms of credit, not exceeding forty years, and at such rate of interest, not exceeding four per centum per annum as may be deemed expedient by the said mayor and common council; and to secure said loan said mayor and common council are authorized to make, execute and deliver upon the credit and in the name of said city, coupon or registered bonds to be signed by the mayor and city clerk, in such form, in such amounts and payable at such time or times and place or places as may be determined by said mayor and common council. Such bonds, with the interest thereon, shall be a valid lien against said city, and the credit of said city is hereby pledged for the payment of the same. Such bonds shall be disposed of at public auction, or upon sealed proposals duly advertised, at not less than par, to the party or parties bidding the highest premium upon such bonds, at the rate per centum at which it shall have been determined to issue said bonds.

Sale of
bonds.

§ 4. This act shall take effect immediately.

Chap. 332.

AN ACT reappropriating money for the acquisition of a piece of land in the village of Oneonta for the use of a state armory in such village.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Reappropriation for
land.

Section 1. The sum of three thousand dollars, or so much thereof as may be necessary appropriated by chapter six hundred and six of the laws of eighteen hundred and ninety-eight for the acquisition of a piece of land about sixty-six feet front and one hundred and twenty-five feet deep located on the east side of Academy street in the village of Oneonta, for the use of

the state armory in such village is hereby reappropriated for the purpose of acquiring a piece of land about sixty-six feet front and about one hundred and twenty-five feet deep located on the northerly side of Fairview street in the village of Oneonta, and adjacent to the land now occupied by such armory in such village, which shall be used for the purposes of such armory and shall be expended under the direction of the armory commission, who are hereby authorized to acquire such lands for and in the name of the state by purchase or condemnation, the title to which shall be approved by the attorney-general.

§ 2. This act shall take effect immediately.

Chap. 333.

AN ACT to amend the membership corporations law, relating to policemen on exhibition grounds of agricultural and horticultural corporations.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and forty-three of chapter five hundred and fifty-nine of the laws of eighteen hundred and ninety-five, entitled "An act relating to membership corporations, constituting chapter forty-three of the general laws," is hereby amended to read as follows:

§ 143. Police and magistrates on exhibition grounds.—The board of directors of any such corporation, or the executive committee of such board, may appoint a chief of police and as many citizens of this state as may be necessary to act as policemen at their exhibitions. The chief of police may also while acting as such appoint such additional policemen as he may deem advisable. Such chief of police and policemen shall preserve order within and for a space of two hundred yards from and around the grounds of the corporation, protect the property within such grounds and space, and eject all persons improperly therein, or acting disorderly therein, or who neglect or refuse to pay the entrance fee or observe the rules prescribed by the corporation. Any of such officers may arrest without a warrant, any person whom he has reasonable cause to believe has unlaw-

fully and fraudulently entered the exhibition grounds of such corporation without paying the entrance fee therefor. They shall have the same power within such grounds and space, during the time such exhibition continues, and for twenty-four hours thereafter, that a constable has by law, in serving criminal process, making arrests and preserving the peace. No town or county shall be liable to pay any such policemen for services rendered under this section. Such corporations may regulate or prevent all kinds of theatrical, or circus, exhibitions and shows, huckstering and traffic in fruits, goods, wares and merchandise, of whatever description, and shall prevent all kinds of mountebank exhibitions or shows, for gain on the fair days and within a distance of two hundred yards of the fair grounds of such corporation, as it deems the same to obstruct or in any way interfere with the free and uninterrupted use of the highways around and approaching such fair grounds. A justice of the peace of the county in which such grounds are situated, may, while upon such grounds, hold a court of special sessions, having the same duties, powers and jurisdictions over offenses committed upon such grounds and within two hundred yards of the boundaries thereof, as is had by a court of special sessions of a town of such county over offenses committed in the town. The fines and penalties received by a justice of the peace under this section shall, before the close of the fair or exhibition at which the same are received, be handed over by him to such society, for its use, together with a written report of his proceedings during such fair or exhibition. The report shall be in all respect the same as an annual account rendered for services in criminal proceedings by a justice of the peace of a town to the board of town auditors. The justice shall receive as compensation for his services under this section his legal fees to be paid by such society. The justice shall include in his annual report to the board the offenses committed and the proceedings had under this section, and the disposition made by him of fines and penalties collected. The justice shall enter in his regular criminal docket the full proceedings of all matters coming before him under this section, stating each case separately; and the record of such proceedings shall be kept open for public inspection upon such grounds during such fair or exhibition.

§ 2. This act shall take effect immediately.

Chap. 334.

AN ACT to amend section ten of chapter eighteen of the laws of eighteen hundred and sixty-two entitled "An act to revise the charter of the city of Utica" as amended by chapter thirteen of the laws of eighteen hundred and ninety-three, relating to the terms of office of officers of said city, et cetera.

Accepted by the city.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ten of chapter eighteen of the laws of eighteen hundred and sixty-two, entitled "An act to revise the charter of the city of Utica," as amended by chapter thirteen of the laws of eighteen hundred and ninety-three, is hereby amended to read as follows:

§ 10. When term of office begins and ends.—All officers of the city elected by the electors shall enter upon the duties of their respective offices on the first day of January succeeding their election and continue in office as follows:

1. The city judge and justices of the peace for four years.
2. The mayor, treasurer, supervisor, aldermen, collectors and constables for two years.
3. The assessors, special city judge, commissioners of charities, and commissioners of common schools for three years.
4. All other elected officers of the city for two years.

Any vacancies in said office occurring before October fifteenth in any year shall be filled for the unexpired term at the city election held next thereafter unless otherwise provided by law or unless previously filled at a special election. This act shall not be construed to increase, diminish or affect the term of office of any officer of the city now in office and such officers shall continue in office for the term for which they were elected. The city surveyor shall hereafter be known and designated as the city engineer and wherever the term "city surveyor" or "street commissioner" occurs in the charter of the city, its amendments,

the ordinances of the city or any acts relating to said city, it shall be deemed to mean said city engineer.

§ 2. Repeal.—All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 335.

AN ACT to change the name of the Washingtonville Methodist Episcopal Church of Wakefield, New York city.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Name
changed.

Section 1. The name of the Washingtonville Methodist Episcopal church, sometimes described as "the trustees of the Washingtonville Methodist Episcopal church," "Grace Methodist Episcopal church of Wakefield," Methodist Episcopal church of Washingtonville," and the "First Methodist Episcopal church of Washingtonville," a religious corporation, is hereby changed to "Wakefield Grace Methodist Episcopal church of New York city," and as such shall enjoy and exercise all the rights and powers it has heretofore possessed.

Contracts,
etc., not
affected.

§ 2. Nothing herein contained shall in any way impair or affect any contract, liability, obligation or duty of said corporation, made, entered into, or incurred before the passage of this act, with or to any person or persons, corporation or corporations, with or to said corporation, or any proceedings instituted, or that may be instituted, to enforce any contract, obligation, liability or duty in favor of or against said corporation; but any and all such contracts, obligations, liabilities, duties and proceedings, shall be and remain valid and binding in all respects to the same extent and liable to be enforced by and against said corporation of "Wakefield Grace Methodist Episcopal church of New York city" in the same manner as if the alteration contained in this act had not been made.

§ 3. This act shall take effect immediately.

Chap. 336.

AN ACT to change the name of the Yorkshire Center Cemetery Association.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The corporate name of the cemetery association of Delevan, Cattaraugus county, known and designated as "The Yorkshire Center Cemetery Association," is hereby changed and shall hereafter be known and designated as "The Delevan Cemetery Association."

§ 2. This act shall take effect immediately.

Chap. 337.

AN ACT to amend chapter three hundred and forty-two of the laws of eighteen hundred and ninety-two, entitled "An act to establish a local court of civil jurisdiction in the city of Syracuse, to be called the municipal court of the city of Syracuse, and to amend the charter of said city," relative to the election and appointment of officers of the said municipal court and their salaries; jurisdiction, practise, fees and costs therein; justices of the peace and constables of said city.

Accepted by the city.

Became a law, April 6, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter three hundred and forty-two of the laws of eighteen hundred and ninety-two, entitled "An act to establish a local court of civil jurisdiction in the city of Syracuse, to be called the municipal court of the city of Syracuse, and to amend the charter of said city," is hereby amended so as to read as follows: Act amended.

§ 3. At the city election to be held in said city, next preceding the close of a term, of a judge of the municipal court, said office Election of judge

shall be filled by election, and the person so elected shall hold office for the term of six years.

§ 2. Section four of chapter three hundred and forty-two of the laws of eighteen hundred and ninety-two, is hereby amended so as to read as follows:

Vacancy in
office.

4. Whenever a vacancy shall occur in the office of judge of the municipal court, the same shall be filled at the next city election, and the person so elected shall hold office for the term of six years; provided, however, that until the first day of January subsequent to said election, the said vacancy shall be filled by the appointment of some qualified and competent person by the mayor.

§ 3. Section ten of said chapter three hundred and forty-two of the laws of eighteen hundred and ninety-two, as amended by chapter one hundred and thirty-seven of the laws of eighteen hundred and ninety-four; chapter seven hundred of the laws of eighteen hundred and ninety-six and chapter five hundred and thirty of the laws of eighteen hundred and ninety-eight, is hereby further amended so as to read as follows:

Jurisdiction
of court.

§ 10. The court shall have jurisdiction of the following actions and proceedings, whether commenced by summons, warrant, attachment, requisition or other process:

1. An action to recover damages upon or for breach of contract express or implied, other than a promise to marry, when the sum claimed does not exceed one thousand dollars.

2. An action to recover damages for a personal injury, or an injury to property, where the sum claimed does not exceed one thousand dollars.

3. An action upon a bond conditioned for the payment of money, where the sum claimed to be due does not exceed one thousand dollars, the judgment to be rendered for the sum actually due; where the sum secured by the bond is to be paid by installments, an action may be brought for each installment as it becomes due.

4. An action upon a surety bond, taken in said court, or by a justice of the peace.

5. An action upon a judgment rendered in said court or any court of a justice of the peace, or in a district court of the city of New York, or in a justice court of a city being a court not of record.

6. An action to recover one or more chattels, with or without damages, for the taking, withholding or detention thereof, where the value of the chattel, or of all the chattels, as stated in the affidavit, made on the part of the plaintiff, does not exceed one thousand dollars.

7. To render judgment upon the confession of the defendant, or defendants, as prescribed in title six, chapter nineteen of the code of civil procedure, where the sum confessed does not exceed one thousand dollars.

8. In an action for damages for fraud in the sale, purchase or exchange of personal property, if the damages claimed do not exceed one thousand dollars.

9. In an action commenced by attachment, pursuant to the provisions of article four of title two, chapter nineteen of the code of civil procedure, if the debt or damages claimed do not exceed one thousand dollars.

10. In summary proceedings, under title two, chapter seventeen, of the code of civil procedure, to recover possession of land and to remove tenants and others therefrom.

11. In actions or proceedings under any statute for the enforcement of liens of mechanics and others, where the amount of the lien does not exceed the sum of one thousand dollars, the same proceedings to be had as are provided by law to be had in justices' court.

12. In proceedings in the cases of bastardy, brought by the overseer of the poor of the city of Syracuse or by the superintendent of the poor of the county of Onondaga.

13. In proceedings to recover a penalty for the violation of any ordinance of the city of Syracuse.

14. In an action against an executor or administrator as such, where the amount of the claim does not exceed the sum of one thousand dollars, and the claim has been duly presented to the executor or administrator and rejected by him.

15. In any other action or civil proceeding of which justices of the peace of towns now have jurisdiction.

§ 4. Said chapter three hundred and forty-two, of the laws of eighteen hundred and ninety-two, as amended by chapter one hundred and thirty-seven of the laws of eighteen hundred and ninety-four; chapter seven hundred of the laws of eighteen hundred and ninety-six and chapter five hundred and thirty of the

laws of eighteen hundred and ninety-eight, is hereby further amended by inserting therein a new section to be known as section fourteen-a, and to read as follows:

Execution
of warrant
of attach-
ment by
constable.

§ 14a. A constable to whom a warrant of attachment is delivered must execute it at least six days before the return day of the summons by levying upon and taking into his custody so much of the personal property of the defendant not exempt from levy and sale, by virtue of an execution which he finds within his county as will satisfy the plaintiff's demand with the costs and expenses. He must take into his custody all books of account, vouchers and other papers relating to the property attached. The attachment may be levied on the rights or shares which the defendant has in the stock of an association or corporation together with the interests and profits therein, and the constable's certificate of sale thereof entitles the purchaser to the same rights and privileges with respect thereto which the defendant had when they were so attached. The attachment may also be levied upon a cause of action arising upon contract, including a bond, promissory note, or other instrument for the payment of money only, negotiable or otherwise whether past due or yet to become due, executed by a foreign or domestic government, state, county, public officer, association, municipal or other corporation, or by a private person, either within or without the state, which belongs to the defendant and is found within the county. The levy of the attachment thereupon is deemed a levy upon and seizure and attachment of the debt represented thereby. The constable must safely keep the property attached to be disposed of as prescribed in chapter nineteen, title two, article four of the code of civil procedure and must immediately make an inventory thereof, stating therein the estimated value of the property attached. A subpoena issued out of the court to compel the attendance of a witness must be served as follows:

Service of
subpoenas.

1. The original subpoena must be exhibited to the witness.
2. A copy of the subpoena must be delivered to him at the same time paying and tendering to him his lawful fee for one day's attendance as a witness.

Security
for costs.

The defendant in an action brought in the said municipal court, may require security for costs to be given when the plaintiff was, when the action was commenced, either a person residing without the state or a foreign corporation. In case there are

two or more plaintiffs, the defendant cannot require security for costs to be given, unless he is entitled to require it of all the plaintiffs. In an action brought by or against an executor or administrator in his representative capacity or the trustee of an express trust; or the official assignee of a person imprisoned under execution for a crime; the official assignee or official trustee of a debtor; or an assignee in bankruptcy; or an infant, whose guardian ad litem has not given such security; or the committee of a person judicially declared to be incompetent to manage his affairs; the court may, in its discretion, require the plaintiff to give security for costs. Where security for costs is required to be given the court shall make an order requiring the plaintiff within the time specified, either to pay into court a sum in its discretion, not exceeding one hundred dollars, to be applied to the payment of the costs, if any, awarded against him, or, at his election to file with the clerk an undertaking; and staying all other proceedings on the part of the plaintiff, except to review or vacate the order, until the payment or filing, and also if an undertaking is given the allowance of the same. The proceedings to compel the giving of security for costs; form of the undertaking; the sureties; exceptions to sureties; justification of sureties, allowance of the undertaking; effect of the plaintiff's failure to comply with an order, except as herein otherwise provided, shall be governed by the provisions of title three of chapter twenty-one of the code of civil procedure. Except in a case where an appeal has been taken, the said municipal court, shall have power, in proper cases and in the furtherance of justice, to vacate, modify and correct judgments rendered in the said court. Section eight hundred and seventeen of the code of civil procedure, relating to consolidating causes of action, shall apply to the said municipal court. Costs must be taxed by the clerk upon application of the party entitled thereto, and sections thirty-two hundred and sixty-five, thirty-two hundred and sixty-six and thirty-two hundred and sixty-seven of the code of civil procedure shall apply to the said municipal court. At the time when an issue of fact is joined either party may demand a trial by jury, and unless so demanded at the joining of issue a jury trial is waived; provided in case a judgment of said court be reversed on appeal, and the action sent back to the municipal court for a new trial either party may upon the day designated by the

Proceed-
ings to com-
pel giving
of security.

Vacating,
etc., of
judgment.

Jury trials

appellate court for such trial, demand a jury trial. A jury shall consist of the same number of jurors as provided in title five of chapter nineteen of the code of civil procedure; provided that the defendant may demand a trial by a jury of twelve men. In case a jury of twelve is demanded the clerk of the court or one of the judges shall draw twenty names and the same shall be summoned, and a jury of twelve shall be impanelled to try the cause in the same manner as in other cases required by the law applicable to said municipal court. The parties may however elect to try the cause by a less number than twelve jurors at any time before a witness is sworn. The party demanding a trial by jury shall thereupon pay to the clerk of the court; if a jury of six is demanded, a fee of five dollars and fifty cents; and if a jury of twelve is demanded, a fee of eight dollars and fifty cents; and the same amount for each second or subsequent jury drawn; and in addition thirty-seven and one-half cents for each person directed to attend as talesman. Out of such moneys the clerk shall pay to each person summoned as a juror appearing at the time for which he was notified to attend, and who is not excused at his own request, a fee of twenty-five cents; he shall pay the constable for each person actually notified to attend pursuant to the venire, a fee of twelve and one-half cents, and for attending the trial and taking charge of the jury during its deliberation, one dollar. The balance remaining, if any, shall be repaid to the party paying the same. The fees of jurors and constables herein provided to be paid shall be in lieu of those fixed by the code of civil procedure. Except as herein otherwise provided the provisions of title five, chapter nineteen of the code of civil procedure shall apply to actions in said municipal court. The board of estimate and apportionment may direct that a sum not exceeding one dollar, in addition to the fee herein prescribed, be allowed to each trial juror serving upon the trial in an action or proceeding in said municipal court, for each day's attendance at said court. The sum so established or allowed shall be paid in the same manner as other claims against the said city, upon the certificate of the clerk of said court, stating the number of days that the juror actually served. Upon the return day of a summons, if the defendant fails to answer and if the complaint demands judgment for an injury to person or property, the plaintiff may demand a jury to assess the dam-

Fees for
jury trials.

Fees of
jurors.

Application
of code.

Additional
juror fees.

Jury to
assess
damages
upon fail-
ure to
answer.

ages, and thereupon the same sums shall be paid and the same proceedings had as upon a demand for and a trial by jury after the joiner of issue; and judgment must be entered for the amount of damages ascertained by the jury.

§ 5. Section twenty of said chapter three hundred and forty-two of the laws of eighteen hundred and ninety-two, as amended by chapter one hundred and thirty-seven of the laws of eighteen hundred and ninety-four is hereby further amended so as to read as follows:

§ 20. In all civil actions and proceedings in this court, the successful party shall tax and recover all fees, including jury, constable and witness fees paid by him or which he will necessarily incur, together with all reasonable and proper disbursements, not exceeding the sums allowed by the code of civil procedure, actually and necessarily made by him in the prosecution or defense of the action or proceeding. In addition thereto there shall be allowed to a party, in case he has appeared by a registered attorney, and not otherwise the following sums as costs:

Taxation,
etc., of fees
in civil
actions.

Allowance
to parties.

1. For all proceedings before trial, including judgment for the plaintiff upon default, in case the amount of recovery be fifty dollars or less, to the plaintiff, three dollars; in case the recovery be more than fifty dollars and not more than one hundred dollars, five dollars; in case the recovery be more than one hundred dollars and not more than two hundred dollars, seven dollars; in case the recovery be more than two hundred dollars, fifteen dollars.

2. Judgment for plaintiff otherwise than upon a default, an additional sum equal to ten per centum of the recovery, not to exceed thirty dollars.

3. If the plaintiff recovers judgment in any action in said court for the recovery of one or more chattels the foregoing sum allowed as additional cost therein shall be estimated upon the value of said chattels as assessed by the said court or jury.

4. If judgment of non-suit is rendered for the defendant, without trial, to the defendant, three dollars.

5. If a judgment is rendered for the defendant after trial, to the defendant five dollars; and the court, in its discretion, may allow an additional sum not exceeding thirty dollars.

6. A defendant who recovers in said court a judgment upon a counter claim therein or obtains a judgment for the possession or

recovery of chattels sued for therein is entitled, in addition to costs heretofore allowed said defendant, to recover a sum equal to ten per centum upon said recovery or upon the value of said chattels not to exceed thirty dollars.

7. No costs or fees shall be allowed or recovered in an action brought upon a judgment of this court, unless such action be brought more than five years after the recovery of a judgment sued on.

8. Costs upon a motion in an action or other proceeding, not exceeding five dollars may be awarded either absolutely or to abide the event of an action or proceeding to any party, in the discretion of the court or judge. Such costs, or costs awarded under section twenty-two of this act, as amended, may be included in the final judgment, or if not so included may be enforced in accordance with the provisions of section seven hundred and seventy-nine of the code of civil procedure.

9. Where the testimony of a witness is taken by virtue of a commission, or of an order to take depositions, and the testimony is used on the trial, the successful party who files interrogatories or cross interrogatories, or who was present when the depositions were taken is entitled to five dollars costs; and in addition shall tax and recover all sums paid to the commissioner taking the depositions, not exceeding three dollars for each day actually and necessarily engaged, to be proved to the satisfaction of the court.

10. Provided however the allowance of any and all costs herein, shall be in the discretion of the court, unless written pleadings are filed on or before the return day.

§ 6. Section twenty-two of said chapter three hundred and forty-two of the laws of eighteen hundred and ninety-two, as amended by chapter one hundred and thirty-seven of the laws of eighteen hundred and ninety-four; chapter seven hundred of the laws of eighteen hundred and ninety six and chapter five hundred and thirty of the laws of eighteen hundred and ninety-eight, is hereby further amended so as to read as follows:

§ 22. Appeals may be had from any judgment rendered in said court to the county court of Onondaga county as prescribed in articles first and second of chapter nineteen of title eight of the code of civil procedure and not otherwise; provided where the judgment was rendered upon a

Appeals
from judg-
ment to
county
court.

trial by the court without a jury, the appeal may be taken upon questions of law, or upon the facts, or upon both; and where the judgment was rendered upon the verdict of a jury, the appeal may be taken upon questions of law. Appeals may also be had to the same court from an order granting or denying a motion for a new trial. Such appeal must be taken within three days of the making of the order appealed from. It shall be taken in the same manner as an appeal from a judgment, and all subsequent proceedings therein shall be conducted as near as may be, in like manner as in such an appeal. The appellate court may grant costs not exceeding ten dollars to the successful party on such an appeal. The order of the appellate court shall be remitted to the municipal court to be enforced. For the purpose of an appeal to the supreme court, the order of the county court of Onondaga county made on an appeal from an order, shall be deemed an order of said county court except that the order or judgment made in the supreme court shall be certified and remitted to the municipal court to be enforced. Upon an appeal from a judgment, the appellate court, upon its reversal may, in its discretion, order a new trial in the municipal court, at a time designated, and in such a case the costs of the appeal shall be in the discretion of the appellate court, and any and all costs in the appellate and municipal courts may be by it directed to be included in any subsequent judgment in the same action in the said municipal court. Upon a new trial in the municipal court, the successful party shall be entitled to recover the same costs as are provided for in sub-divisions two, three, four, five or six of section twenty of this act, as amended, as the case may be. Any decision or opinion in writing filed by the court or either of the judges thereof, shall, upon an appeal, be returned as a part of the record of the proceedings. Costs required to be paid to protect an appeal, under section thirty hundred and forty-seven of the code of civil procedure shall not include the costs awarded a party under section twenty of this act as amended, but upon judgment affirming the judgment appealed from such costs may be included therein, except that the per centum allowed under sub-divisions two, three and six of said section twenty of this act shall be computed upon the amount of the damages awarded or the value of the chattels recovered in the judgment of the appellate court.

Appeals to
supreme
court.

Cost upon
new trial.

Costs to
perfect
appeal.

§ 7. Section twenty-three of said chapter three hundred and forty-two of the laws of eighteen hundred and ninety-two, as amended by chapter one hundred and thirty-seven of the laws of eighteen hundred and ninety-four, is hereby further amended so as to read as follows:

Clerk, deputy and assistants.

§ 23. Said court shall have a clerk and one deputy clerk and such other assistants as the board of estimate and apportionment may prescribe, to be appointed by said judges, such appointment to be in writing and filed with the clerk of Onondaga county and with the clerk of the city of Syracuse. Said clerk, deputy clerk and other assistants who may be appointed, shall take the usual oath of office and file the same with the said county clerk and shall hold office during the pleasure of said judges, and shall each give bail for the faithful performance of his duties in such form and for such sum, with such surety as shall be approved by the said judges and file the same with the treasurer of said city. It shall be the duty of said clerk and deputy clerk to keep in the docket of said court a complete and accurate record of all processes issued and returned to said court, and of all proceedings in any action or proceeding brought in said court, and to enter therein the judgment and decision of said court, and said docket shall be evidence in the courts of this state the same as the docket of the justices' court. The said clerk may make and certify in the form provided by law for clerks of courts of record of this state, copies of the entries in said docket and of all papers filed in said court, and said clerk and deputy clerk shall have power to take oaths and acknowledgments, the same as a justice of the peace, and said clerk or deputy clerk shall keep an accurate account of the fees received and from whom and the time of receiving the same and at the end of each month, or oftener if required by either of the judges of said court, shall deposit the amount thereof with the treasurer of the city of Syracuse, together with a detailed statement of the items thereof, which statement shall be verified by the said clerk or deputy clerk to be true and correct, and to embrace all the moneys paid into said court or received by said clerk or by said deputy during the period covered by said statement. It shall also be the duty of said clerk, deputy clerk, or such other assistants as may be appointed, whenever required by said judges, or either of them, to take stenographic notes or minutes of any trial had in

Oath of office and bail.

Duty of clerk and deputy.

Stenographic notes.

said court for the convenience and use of said judge or judges; and to perform such other duties as may be required by the said judges, or either of them. The said clerk, or deputy clerk, shall have power, in the absence of the judges of said court to adjourn an action or proceeding returnable or pending before said court, for a period not longer than eight days at a time. The court shall have an official seal, to be furnished by the city, on which shall be engraved the words "municipal court of Syracuse"—"seal." The clerk of the court shall have the custody of such seal, and any certificate made by him under his hand and seal of the court of any fact or matter to which, by this act, he shall be entitled to certify, shall be received in evidence in all courts and places, and be of the same force and effect as if the court were a court of record.

Power to
adjourn
actions.

Seal of
court.

§ 8. Section twenty-four of said chapter three hundred and forty-two of the laws of eighteen hundred and ninety-two is hereby amended so as to read as follows:

§ 24. Said judges, clerk, deputy clerk, and other assistants, shall each be paid in monthly payments an annual salary to be fixed by the board of estimate and apportionment; provided the salaries now fixed by said board shall not be increased or diminished during the term for which the present officers were severally elected or appointed; and the salary and compensation of every such officer hereafter elected or appointed shall be thus fixed before his election or appointment, and shall not thereafter be changed until the expiration of the term for which he was elected or appointed. No officer of said court shall receive for his own use any other compensation as such officer; except that the officer transcribing stenographic minutes shall be entitled to receive for his own use the six cents for each folio required to be paid for making a return upon an appeal, provided for in section nineteen of chapter five hundred and thirty of the laws of eighteen hundred and ninety-eight.

Payment of
salaries.

Fixing of
salaries.

Fees for
steno-
graphic
notes.

§ 9. Section twenty-five of said chapter three hundred and forty-two of the laws of eighteen hundred and ninety-two, is hereby amended so as to read as follows:

§ 25. From and after the passage of this act, no person shall be elected to the office of justice of the peace in said city of Syracuse, and no justice of the peace resident in said city shall

Office of
police
justice
abolished.

have or exercise within said city, any jurisdiction in any action or proceeding of which the said municipal court has jurisdiction; and all acts and parts of acts inconsistent with this act, and all provisions of the charter of the city of Syracuse in relation to justices' courts in said city inconsistent with this act are hereby repealed.

§ 10. Said chapter three hundred and forty-two of the laws of eighteen hundred and ninety-two is hereby further amended by inserting therein a new section to be known as section twenty-nine and to read as follows:

Appoint-
ment of
marshals.

§ 29. The judges of the municipal court shall, within five days after the first day of January, nineteen hundred and one, and every year thereafter, or whenever vacancies occur in the office of marshal of the municipal court, as herein provided appoint as many persons as may be necessary, not exceeding five, who are electors of the city, marshals of the municipal court, who shall, in addition to their other duties, be and act as attendants upon the court during its sessions. The marshals so appointed shall possess in actions or proceedings, all the powers and be under all the obligations and duties of constables in the towns of the state, and of constables in cities as now provided. They shall hold their offices for one year unless sooner removed. Every marshal so appointed shall execute and file in the county clerk's office of Onondaga county, with at least two sureties, to be approved by a judge of the court, a bond to the people of the state of New York, in the penal sum of one thousand dollars conditioned for the faithful discharge of his duties, in which bond he and his sureties shall jointly and severally agree to pay to every person who may be entitled thereto all such sums of money as the marshal shall become liable to pay on account of any execution which shall be delivered to him for collection, and shall also jointly and severally agree to pay every person any damage which he may sustain from or by any act or thing done by the marshal, by virtue of his office. The judges of the court have power to make such rules and regulations, to be entered in full upon the docket of the court, concerning the attendance and duties of the marshals as attendants upon the court as they deem necessary and proper, and a violation of such rules and regulations by the marshals is hereby constituted a cause for suspension or removal from office as hereinafter provided.

Official
bond.

Rules and
regulations
concerning
duties.

The fees of each marshal shall be the same as are provided by ^{from} law for constables rendering similar services, and shall be paid in the same manner. The marshals shall neither receive nor be entitled to any salary or compensation for services rendered as court attendants. Hereafter no constable shall be elected or appointed in the city of Syracuse. The judges of the court have power to remove any marshal, upon complaint as is provided by law, for the removal of a constable of a town. The judges shall associate together to hear and determine the complaint and the same proceedings shall be had by and before them as are provided by law to be had by and before three justices of the peace of a town for the removal of a constable.

Constables
abolished.

Removals
for
cause.

§ 11. This act shall take effect immediately.

Chap. 338.

AN ACT to revise, amend and consolidate the several acts relating to the village of Oswego Falls, in the county of Oswego and to repeal certain acts in relation thereto.

Became a law, April 9, 1900, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Former acts revised.—The act to incorporate the village of Oswego Falls, in the county of Oswego, being chapter two hundred and thirteen of the laws of eighteen hundred and sixty-six, as amended by chapter eight hundred and twenty-three of the laws of eighteen hundred and sixty-seven, chapter one hundred and twenty-two of the laws of eighteen hundred and seventy-three, chapter six hundred and twenty-four of the laws of eighteen hundred and seventy-four, chapter one hundred and fifty-one of the laws of eighteen hundred and seventy-eight and chapter twenty-six of the laws of eighteen hundred and eighty-nine, are hereby revised, amended and consolidated, so as to read as follows:

§ 2. **Corporate powers.**—That part of the town of Granby in the county of Oswego, contained in the boundaries hereinafter described, shall be a village by the name of Oswego Falls, and the citizens of the state, from time to time, inhabitants within

said boundaries, shall be a municipal corporation under the corporate name of "the village of Oswego Falls," and by that name shall have perpetual succession, shall be capable of suing and being sued, complaining and defending in any court of law or equity, may make and use a common seal, and alter the same at pleasure and shall have the power to receive by gift, grant, devise, bequest or purchase such real and personal estate as the purposes of the corporation may require, and may hold and convey the same; and shall also have the general powers and privileges conferred by the statutes of this state upon municipal corporations, not in conflict with the provisions of this act, as well as those conferred by this act or which may be necessary to carry it into effect, which act shall be known as the charter of said village.

§ 3. **Boundaries.**—The territory described as follows shall constitute the village of Oswego Falls, to wit: So much of lots numbers seventy-four and seventy-five of the original military township of Hannibal, as have been heretofore included in the village of Oswego Falls and lot number four and the north half of lot number three of the original military township of Lysander, together with the Oswego river abreast of said lots number seventy-four, seventy-five and four from its west margin, eastward to the east boundary of said town of Granby.

§ 4. **Extension of boundaries.**—A petition for the annexation of adjoining territory in the town of Granby, describing the territory, stating the number of inhabitants thereof and signed and acknowledged in the same manner as a deed to be recorded, by a majority of the persons residing therein, if any, qualified to vote for town officers and also by the owners of a majority in value of the property therein, assessed upon the last preceding assessment-roll of the town, may be presented to the board of trustees of said village. Each person signing the petition shall state opposite his name, the assessed valuation of the property, if any, owned by him in such territory. Such petition must be verified by at least three persons who have signed and acknowledged the same, to the effect that the petitioners constitute a majority of the qualified voters, if any, of such territory, and that the petition represents a majority in value of the property therein described. Such petition must be accompanied by the written consent of a majority of the town board of the town of Granby,

residing outside the village. Upon presentation of such petition and consent, the board of trustees shall cause a proposition for such annexation to be submitted at a special election. If the proposition be adopted, the petition and consent and the certificate of election shall be recorded in the village book of records. Such annexation shall take effect immediately and a certificate thereof, containing a description of the territory annexed shall, within ten days after such election, be filed by the clerk of the village in the office of the clerk of the town and of the county and also in the office of the secretary of state.

ARTICLE II.

OFFICERS AND ELECTIONS.

Section 5. Qualification of voters.—A voter at a village election must possess the following qualifications:

1. To entitle him to vote for an officer, he must be qualified to vote at a town meeting of the town of Granby and must have resided in the village thirty days next preceding such election.

2. To entitle him to vote upon a proposition, he must be entitled to vote for an officer, and he or his wife must also be the owner of property in the village, assessed to him or her upon the last preceding assessment-roll thereof.

§ 6. Eligibility to office.—A president, trustee, assessor, street commissioner, or a fire, water, light, sewer or other commissioner must, at the time of his election and during his term, be an elector of the village, and the owner of property in his own right assessed to him upon the last preceding assessment-roll of the village, or his wife must be the owner of property in her own right, assessed to her in like manner. Any resident elector is eligible to any other village office. A person shall not hold two village offices at the same time, except the offices of water and light commissioners, or collector and police constable.

§ 7. Officers of the village.—The officers of the village shall consist of a president, six trustees, three assessors, a collector, a treasurer, a clerk a corporation counsel, a street commissioner, a surveyor, a police justice, a jailor, one or more policemen and such subordinate officers as are authorized by this act or by the general laws.

§ 8. Board of health.—There shall be a board of health in said village, consisting of not less than three nor more than

seven persons, appointed by the board of trustees of said village, in the manner provided by article two of the public health law.

§ 9. **Appointment and election of officers.**—The clerk, corporation counsel, street commissioner, surveyor, jailor, policemen and such subordinate officers as are authorized by this act or by the general laws shall be appointed by the board of trustees. All other officers hereinbefore enumerated shall be elected, at elections to be held as hereinafter provided. The officers of said village in office when this act takes effect shall continue to hold office until the expiration of their respective terms. The official year begins at noon on the first Monday after the annual election, and ends at noon on the same Monday in the next calendar year. The term of office of the president, treasurer, collector shall be one official year; of each trustee, elected for a full term, three official years; of each assessor elected for a full term, three official years; and of the police justice four calendar years. The clerk, corporation counsel, street commissioner, surveyor, jailor and policemen shall hold office during the pleasure of the board of trustees but not beyond the official year. The term of each village officer, except police justice, shall begin at noon on the first Monday following the annual election. A full term of the police justice shall begin on the first day of January succeeding the annual election, at which he is elected.

§ 10. **Inspectors of election.**—The trustees and clerk of the village shall be inspectors of election for the village and one or more of them shall preside at all elections. If a trustee or the clerk shall not be present, the electors may appoint a chairman who shall have the powers of an inspector.

§ 11. **Officers to be elected at an annual election.**—Elective offices shall be filled at the annual election next preceding the expiration of the terms thereof. If a vacancy in an elective office occurs more than ten days prior to an annual election, at which a successor for a full term is not to be chosen, it shall be filled at such election for the remainder of the unexpired term.

§ 12. **Annual elections.**—The annual election shall be held on the last Tuesday in March. All other village elections are special ones. The board of trustees shall by resolution, adopted at least ten days before every village election, designate the hours of opening and closing the polls thereof, which shall include at least four consecutive hours, between sunrise and sunset. The

resolution shall designate the place of holding the election. The board shall at least ten days before the election, cause notice thereof to be published at least once in the official paper and a printed copy thereof to be conspicuously posted in six public places in the village, specifying the time and place of holding the election, the hours of opening and closing the polls, the offices if any, and the term to be filled, and setting forth in full all propositions to be voted upon. If the board neglects to appoint a place for the annual election, the election shall be held at the place of the last preceding annual election; and if it neglects to appoint the hours of opening and closing the polls such hours shall be the same as at the last preceding annual election. An annual election of village officers shall not be invalid because of a failure to give such notice. The vote upon a proposition shall be void, unless due notice of the election has been given.

§ 13. *Canvass of annual election.*—The inspectors of election shall immediately upon the closing of the polls of each annual election, proceed to canvass the votes and shall complete such canvass without adjournment. They shall, before nine o'clock in the forenoon of the next day, file with the village clerk their certificate setting forth the holding of the election, the total number of votes cast for each office, the number of votes cast for each person for such office, the total number of votes cast upon each proposition voted upon and the number cast for and against it. The person eligible and receiving the highest number of votes for an office shall be elected thereto. If two or more persons receive an equal and the greatest number of votes for the same office, the board of trustees shall determine by lot, which of them shall be deemed elected.

§ 14. *Failure to designate terms.*—No election of village officers shall be invalid on account of the failure of the electors to designate, in their ballots, the respective terms of office of persons to be elected thereat, for the same office, for different terms; but the persons so to be elected to such office, who are eligible and receive the highest number of votes, shall be elected. The person first named on a ballot, containing the names of more than one person for such an office, and not designating their respective terms, shall be designated for the longest term, the second for the next longest term, and so on to the end; and the

inspectors of election shall count the ballots and certify the result accordingly. If the votes shall not be so counted and canvassed, the board of trustees shall at least twenty days before the expiration of the shortest term, determine by lot, which of such officers shall hold office for each term, and thereupon such officers shall be deemed to have been elected accordingly.

§ 15. Submission of propositions; special elections.—The board of trustees may, upon its own motion, and shall, upon the petition of thirty electors, qualified to vote upon a proposition, cause to be submitted at a village election, a proposition upon any question which may be lawfully decided thereat. A separate board of fire, water, light, sewer or other commissioners may present to the board of trustees, a petition, requesting the submission of a specified proposition, relating to its department, at a village election. Upon the presentation of such petition, the board of trustees shall cause the proposition to be submitted accordingly. If a petition under this section be presented after the annual election, and before the first day of January following, a special election shall be called, to be held not less than ten nor more than twenty days after presentation of such petition. If a petition be presented at any other time, and more than ten days prior to the annual election, the proposition shall be submitted at such annual election. No special election shall be held in the months of February or March. Notice of special election for the submission of a proposition shall be given in the same manner as for an annual election. Such special election shall be held by the same officers and conducted and the result canvassed in the same manner as an annual election.

§ 16. Votes upon propositions to be by ballot.—All votes upon a proposition, submitted at an election, shall be by ballot; and unless otherwise provided, the provisions of the election law relating to ballots apply to propositions submitted under this act.

§ 17. Official undertakings.—The clerk, treasurer, collector, police justice, street commissioner and such other officers as may be required by the board of trustees, shall, before they enter upon the duties of their office, each execute to the village and file with the village clerk, an official undertaking, in such sum, with such sureties as the board of trustees shall direct and approve. The board of trustees may at any time require any such officer to file a new official undertaking for such sum, with such sureties as the board shall approve.

§ 18. **Notice to person chosen to a village office.**—The clerk of the village shall, within three days after the election or appointment of a village officer, notify each person, elected or appointed of his election or appointment and of the date thereof, and that he is required to file his oath of office with such clerk, before entering upon the duties thereof, and, if an official undertaking be required of him, by or in pursuance of law, that he is also required to file the same with such clerk, and upon his failure so to do, he will be deemed to have declined the office. If an undertaking is required of a village officer, by or in pursuance of law, after entering upon the duties of his office, the clerk of the village shall thereupon serve upon such officer, personally, a written notice that he is required to file such undertaking with the clerk, within ten days after the service of the notice, and that upon his failure so to do, his office will become vacant.

§ 19. **Resignations and removals.**—A village officer may resign to the board of trustees, and his resignation shall take effect upon the delivery thereof to the village clerk, unless a time be specified in such resignation for its taking effect thereafter, in which case such resignation shall take effect at the time so specified. In addition to the method provided by the public officers law, an officer, except a president or a trustee, appointed by the board of trustees, may be removed by the board for misconduct, on notice to such officer and an opportunity given him to make his defence.

§ 20. **Filling of vacancies.**—Vacancies occurring otherwise than by expiration of term, other than that of health officer, shall be filled by the board of trustees; if the office be elective, until the end of the current official year, but if the office be appointive, for the balance of the unexpired term. If a vacancy in an elective office occur within less than ten days prior to an annual election, and which office is not to be filled at such election, the appointment shall be for a term which shall expire at the end of the next official year.

§ 21. **Refusal of officer to surrender his office.**—If a person who has been an officer of the village, refuses or neglects to deliver to his successor in office, within ten days after notification and request, all the moneys, books, papers, records, property and effects of every description, which have come into his possession or under his control by virtue of his office, and belonging to the

village or appertaining to the office, he shall forfeit and pay to the village, the sum of twenty-five dollars for each and every day he shall so neglect or refuse and also all damages, costs and expenses, caused by such neglect or refusal.

ARTICLE III.

GENERAL DUTIES AND COMPENSATION OF OFFICERS—ORDINANCES.

Section 22. **President.**—The president of the village is its executive officer and the head of its police force. It is his duty to see that the provisions of this act, and the resolutions and ordinances of the board of trustees are enforced, to cause all offenses created thereby to be prosecuted, to institute civil actions in the corporate name of the village for penalties recoverable by the village, to exercise supervision over the conduct of the police and other subordinate officers of the village, and to recommend to the board of trustees such measures as he may think necessary. He has the power and it is his duty to veto any resolution or ordinance of the trustees, by his order, to be entered upon the records of the village, with his reasons therefor, when, in his judgment, it is in violation of this act, or any law of this state, or appropriates money, or involves expenditures improvidently. If at the same meeting or the next regular one thereafter, two-thirds of the board, excluding the president, shall again pass said resolution or ordinance, it shall take effect; otherwise it shall fail. The president, in behalf of the village, must execute all leases, contracts, licenses and other papers to be executed as the act of the village, when so authorized by the board of trustees. If the president be absent or unable to perform the duties of his office, the trustees shall appoint one of their number to act as president, who, during the absence or inability of the president, is vested with all the powers and may perform all the duties of the president. The president may, when in his judgment the safety of person or property or the good order of the village demands it, designate one or more persons by appointment in writing, to act as special policemen for such time, not extending beyond the next meeting of the trustees, as he shall deem necessary, when he shall report to such meeting the appointment so made, and his reasons therefor. The services of such special police shall be paid from the general fund of the village.

§ 23. **Treasurer.**—The treasurer of the village is its chief fiscal officer. He shall receive all moneys belonging to the village and keep an accurate account of all receipts and expenditures thereof, showing the funds for which and the persons from whom such monies are received, and the funds from which, and the persons to whom, such moneys are paid. He shall deposit all moneys received by him in the banks designated by the board of trustees, subject to his check as treasurer. Interest on village moneys belongs to the village and must be credited by the treasurer to the proper fund. No money shall be paid from the treasury of the village, except in pursuance of a judgment or order of a court, or an audit and allowance by the board of trustees, and an order designating the fund, signed by the president and countersigned by the clerk, or by an order of a board of commissioners of the village, signed by its president and countersigned by the clerk, upon a fund within its jurisdiction. The treasurer shall not draw any money so deposited by him, except in pursuance of such judgment or order. He shall report in writing to the board of trustees, whenever requested, the amount of money received by him, since his last report, the sources thereof and the true state of the treasury, which reports shall be filed with the village clerk. He shall, on or before the fifth day of March in each year, file with the village clerk an accurate, detailed and verified statement, showing all monies paid into the village treasury during the previous fiscal year, the persons by whom and the funds for which the same were paid, all expenditures from the treasury during such year, the persons to whom and the funds from which, such moneys were paid, the balance in the treasury to the credit of each fund at the commencement and at the end of the fiscal year, and all indebtedness of the village outstanding, to whom so far as practicable the same is owing, upon what account and when payable. He should make such other reports as may be required by the board of trustees.

§ 24. **Clerk.**—The clerk of the village shall, subject to the direction and control of the board of trustees, have the custody of the village records and papers and all official reports and communications to the board. He shall act as clerk of the board of trustees and of each board of village officers and keep a record of their proceedings; he shall keep an indexed record, in a separate book, of all village ordinances; he shall

keep an accurate account of all orders drawn on the treasurer of the village, showing the persons to whom, the amount, and the fund from which each order is to be paid. He shall at all reasonable hours, on demand of any person, furnish a copy of any portion of the books, records or papers of his office, certified in proper form to be read in evidence, upon payment of his fees therefor at the rate of six cents per folio.

§ 25. Corporation counsel.—The corporation counsel shall have charge of all actions and proceedings brought by or against the village. He shall act as the sole legal adviser of the board of trustees and all other village boards, and during his term of office, he shall not act as attorney or counsel for any person or corporation, having contracts with the village or whose interests are adverse thereto.

§ 26. Street commissioner.—Under the direction and supervision of the board of trustees, the street commissioner has supervision and charge of the construction, improvement and repair of the public grounds, squares, parks, streets, walks, culverts, and of such other property of the village as the board may determine; and may employ the requisite laborers and direct them as to the time and manner of the execution of their work. He shall certify to the board of trustees, when required, the names of all persons who have been so employed, the rate of compensation and their term of service, and the particular place where such labor is performed.

§ 27. Board of health.—The board of health of the village shall have all the powers and be subject to all the duties provided by the public health law.

§ 28. Compensation and duties of other village officers.—The president and trustees and the fire, water, light and sewer commissioners shall serve without compensation. But the trustees shall be entitled to the compensation fixed by law for inspectors of election, when acting as such. The board of trustees may fix the compensation and further declare the powers and duties of all other village officers, boards or employees and may require any officer or board to furnish any information, relating to any matter within his or its jurisdiction.

§ 29. Meetings of the board of trustees.—The president and trustees of the village shall constitute the board of trustees thereof. The board shall meet at seven o'clock in the afternoon on the

Monday following the annual election, and such meeting is known as the annual meeting of the board. The board shall hold other regular meetings at such times and places, in the village, as it shall by resolution provide. Special meetings may be called by the president or any two trustees, by causing a written notice, specifying the time and place thereof to be served upon each member of the board, personally, at least one hour, or by leaving a notice at his residence or place of business with some person of suitable age and discretion, at least twenty-four hours before the time of meeting.

§ 30. **Presiding officer and rules of proceedings.**—The president of the village shall preside at the meetings of the board of trustees, and shall have a vote upon all matters and questions coming before the board. A majority of the board shall constitute a quorum for the transaction of business, but a less number may adjourn or compel the attendance of absent members. Whenever required by a member of the board, the vote upon any question shall be taken by ayes and noes, and the names of the members present and their votes shall be entered in the minutes. The board may determine the rules of its procedure and may compel the attendance of absent members by the entry of a resolution in the minutes, directing any peace officer residing within the village to arrest such absent member and take him before the board of trustees to answer for his neglect. A copy of the resolution, certified by the clerk of the village shall be sufficient authority to any peace officer, residing in the village, to arrest such absent member and bring him before the board.

§ 31. **General powers of the board of trustees.**—The board of trustees of the village:

1. **Village property and finances.**—Has the management and control of the finances and property of the village, except such as may be under the jurisdiction of the board of health, fire, water, light or sewer commissioners, or other boards or officers of the village.

2. **Buildings to be kept in repair and insured.**—Shall keep all buildings and other property of the village in repair, and may cause the same to be insured against loss or damage by fire.

3. **Village lands.**—May purchase, hold and convey real property in the name of the village, but only after the adoption of a proposition therefor at a village election. Every conveyance by

the village shall be executed in its corporate name by the president, in pursuance of a resolution of the board of trustees.

4. **Village buildings.**—May erect and maintain upon village lands or may rent and furnish necessary buildings for holding elections, for the use of village officers or for other necessary village purposes, and may furnish necessary books, stationery and other supplies for village officers.

5. **Lock-up.**—May erect and maintain a lock-up or designate a place for the retention of persons arrested under this act or under any ordinance of the village; and may contract with the town of Granby for the temporary detention in the town lock-up of persons arrested in such town or village.

6. **Market.**—May purchase or lease lands or buildings for the establishment and maintenance of a market; may lease such market or any part thereof for such terms and at such rent as it may determine; and may prohibit the establishment of a market in the village except at such places as it may designate.

7. **Fire limits.**—May establish fire limits by resolution filed in the office of the village clerk and posted in three public places in the village.

8. **Official paper.**—May designate a newspaper published within the village as the official paper of the village. If no official paper has been designated, the designation of a newspaper for the publication of a notice, resolution, ordinance or other proceeding of the board, shall be deemed a designation thereof as the official paper of the village for the purpose of such publication. The fees of the official paper shall be fixed by the board at a rate not exceeding fifty cents per folio.

9. **Village map.**—Shall cause a map of the village to be made and kept on file with the clerk, showing the boundaries of the village and the names and boundaries of all streets and public grounds therein; also the location of all sewers, hydrants, water-pipes and all underground pipes and works belonging to the village and shall, when necessary, cause such map to be revised, corrected and renewed.

10. **Names of streets.**—May give names to streets and public places, and numbers to the lots or buildings in the village.

11. **Public pound.**—May establish and maintain a public pound and employ a keeper thereof and fix his compensation and the fees to be charged by him.

12. **Village clock and scales.**—May establish and maintain a village clock and scales for the public convenience and fix the fees for the use of such scales.

13. **Fence viewers.**—Possesses concurrent jurisdiction with town fence viewers and has all the powers with respect to division fences within the village.

14. **Drains.**—May construct drains and culverts and regulate water courses, ponds and watering places within the village.

15. **Water supply.**—May establish, regulate and repair public reservoirs, aqueducts, pumps, wells, fountains and watering and drinking places.

16. **Lighting streets.**—May provide for the lighting of the streets, and the safety of the lamps.

17. **Stands for vehicles.**—May designate stands for hacks, carriages and other vehicles.

18. **When to have powers of other boards.**—Has all the powers and is subject to all the liabilities and must perform all the duties of a separate board of fire, water, light, and sewer commissioners, if the village has no such separate boards; and in that case, a provision applying to either of such boards, applies to the board of trustees.

19. **Banks of deposits.**—Shall designate banks for the deposit of all money received by the treasurer, and may require of any such bank, security for the repayment thereof; and may require a report by the cashier thereof to each regular meeting of the board of the amount on deposit to the credit of the treasury.

20. **Wires and poles.**—May regulate the erection and maintenance of telegraph, telephone or electric light poles, and the stringing of wires in, over or upon the streets or public grounds or upon, over or in front of any building and may by resolution by the board, entered upon its minutes, compel such wires and poles to be removed to such location as may be designated by the board or cause such wires to be placed in conduits or subways now or hereafter to be constructed.

21. **Auditing bills.**—Shall audit all bills and accounts and all claims for damages against the village, but no bill or account against the village for property purchased, materials furnished, services rendered, or disbursements, shall be audited or paid, nor shall any action be brought thereon, unless such bill or account

shall be made out in items and properly dated, with an affidavit attached thereto by the person or one of the persons or an officer of a corporation, presenting or claiming the same, that the items of such bill or account are correct, that the services and disbursements charged therein have been in fact rendered or paid, and that no part thereof has been paid or satisfied by the village. The board shall cause to be entered upon its minutes the amount claimed, the amount allowed and the funds from which each amount allowed shall be paid. No action shall be brought upon any such bill or account or claim, within thirty days from the time the same was presented to the board of trustees. The said village shall not be liable for the damage or injury sustained by any person, in consequence of any sidewalk or crosswalk, in said village being out of repair, unsafe, dangerous or obstructed, unless actual notice thereof shall have been given to the clerk, the president, the board of trustees or the street commissioner of the village at least forty-eight hours, previous to such damage or injury. All claims against the village for damage or injury alleged to have arisen from the defective, unsafe, dangerous or obstructed condition of any street, crosswalk, sidewalk, culvert or bridge, shall within thirty days after the happening of such damage or injury, be presented to the board of trustees by a writing, signed by the claimant and properly verified, describing the time, place, cause and extent of the damage or injury. No action or proceeding therefor against the village shall be brought, unless such claim is so presented, nor shall any such action or proceeding be brought after one year from the happening of such damage or injury.

22. To do all such acts and make all such ordinances as shall be necessary to carry into effect any general law, or discharge any duty conferred or imposed by this act, although such ordinances or acts may not be especially enumerated herein.

§ 32. Village ordinances.—The board of trustees has power to enact, amend and repeal ordinances for the following purposes:

1. Peace and good order.—To preserve the public peace and good order; to prevent and suppress vice, immorality, disorderly and gambling houses and houses of ill-fame, riots and tumultuous assemblages, unnecessary crowds upon the streets or in doorways or stairways, adjacent thereto, or loitering about such places, and all disorderly, noisy, riotous or tumultuous con-

duct within the village, disturbing the peace and quiet of the village or any meeting or assembly therein.

2. **Animals at large.**—To restrain the running at large of horses, cattle, goats, pigs, sheep, unmuzzled dogs, fowls or other animals, and may authorize the impounding and sale of the same for the penalty and costs of keeping and proceedings, or the killing of such unmuzzled dogs.

3. **Fast driving.**—To regulate or prevent fast driving or driving, or the leaving of horses untied or hitched an unreasonable time in the streets or public places, or the driving of animals on the sidewalks.

4. **Amusements.**—To regulate or prevent coasting, ball playing or any act, amusement or practice, endangering property or persons on the streets or public grounds.

5. **Encumbering streets; encroachments.**—To regulate or prevent encumbering the streets or public grounds with any material whatever, or any encroachment or projection in, over or upon any of the streets or public grounds, or any excavations immediately adjacent thereto.

6. **Parades.**—To regulate or prevent all parades, exhibitions and the parade or playing of bands upon the streets or public grounds.

7. **Blowing of steam.**—To regulate or prevent the blowing of steam into, upon or over the streets.

8. **Shade trees.**—To protect or preserve shade trees in the streets or public places and to prevent the hitching of horses to such trees.

9. **Poles and wires.**—To regulate the erection of telegraph, telephone or electric light poles, or the stringing of wires in, over or upon the streets or public grounds or upon, over or in front of any building or buildings, and the removal thereof to a different location.

10. **Railroad crossings.**—To regulate the time during which cars, engines or trains may stand upon the street crossings of railroads; to regulate the speed of locomotives and cars, subject to the provisions of the railroad law, and by a two-thirds vote of all the members of the board, to require railroad companies to erect gates at crossings, to employ competent men to attend the same, and to employ competent flagmen at such crossings.

11. **Sidewalks.**—To compel owners or occupants of lands to clear snow, ice, dirt and other obstructions from the sidewalk in front thereof.

12. **Fire works and firearms.**—To regulate or prevent the discharge of firearms, rockets, gunpowder or other explosives, or the making of bon-fires.

13. **Inflammable materials.**—To regulate the use of candles, kerosene, light, fires or burning materials of any kind in barns, stables and other buildings, especially liable to take fire.

14. **Construction of chimneys, et cetera.**—To regulate the use and construction of chimneys, fire-places, stoves and heating apparatus, and the deposit of ashes; and any member of the board or any person authorized by it may enter, when necessary, in the day time, any building within the village to make an examination with reference to the evasion or violation of such ordinance.

15. **Gunpowder.**—To regulate the storing, sale or transportation of gunpowder or other explosives within the village.

16. **Fire limits.**—To prevent the construction or re-building of wooden buildings or the use, in any building, within the fire limits, of materials liable to take fire. In addition to an action or proceeding to recover the penalty prescribed by the ordinance for a violation of this sub-division, the board of trustees may present a verified petition to a justice of the supreme court or to a special term of the supreme court of the judicial district, or to the county court or the county judge of the county for an order enjoining the violation thereof. Such petition shall state the facts concerning the alleged violation. Upon the presentation of the petition, the justice, judge or court shall grant an order requiring such person to appear before him or before such special term or county court, respectively, on a day specified therein, not more than ten days after the granting thereof, to show cause why such person should not be permanently enjoined from violating such ordinance. A copy of the petition and order shall be served in the manner directed by such order, not less than five days before the return day thereof. On the day specified in such order, the justice, judge or court, before whom the same is returnable, shall hear the proofs of the parties and may, if deemed necessary and proper, take testimony in relation to the allegations of the petition, or appoint a referee for that purpose. If it appears that such person is violating the ordi-

nance, an order shall be made enjoining him therefrom. If after the entry of such order in the county clerk's office of said county and the service of a copy thereof upon him, or after a substituted service, as the justice, judge or court may direct, such person shall violate such ordinance, such violation shall be deemed a contempt of court and punishable in the manner provided by the code of civil procedure. The costs upon the application for such injunction may be awarded in favor of and against the parties thereto, in the discretion of the justice, judge or court before whom the petition is heard. If awarded against the village, the costs shall be a village charge.

17. **Swimming and bathing.**—To regulate swimming and bathing in open water, exposed to the public, within or bounding the village.

18. **Improper noises.**—To regulate or prevent the ringing of bells, blowing of horns or steam whistles, and the making of other improper noises in the village.

19. **Landing of boats; passengers.**—To regulate and prevent the landing within the village of excursion boats, or passengers therefrom.

20. **Water works and sewerage system.**—To punish all violations of the rules of the board of trustees or of the board of fire, water, light or sewer commissioners, which have been approved by the board of trustees, relating to the prevention of fires, the water-works, lighting or sewerage system of the village.

21. **Vulgar language or conduct.**—To punish profane, vulgar or obscene language or conduct in any street or public place in the village.

22. **Malicious mischief.**—To punish the wilful or malicious breaking, marring, injury, removal or defacement of any building, fence, awning, sign, sign-board, tree, shrubbery or other ornamental thing in the village, the removal from or piling up before any door or on any sidewalk of street or boxes, casks or other things, the tearing down of any notice or hand-bill lawfully posted or inciting or inducing dogs to fight in any of the streets or public places in the village.

23. **False alarm of fire.**—To punish the wilful giving of a false alarm of fire.

24. **Posting bills.**—To regulate or prohibit the posting of bills.

25. **Accumulation of snow, et cetera, on buildings.**—To compel the owners of buildings, adjacent to the streets, to prevent the accumulation of snow, ice or water thereon, and to prevent a falling of snow, ice or water from such buildings upon the streets or side-walks.

26. **Conduct at fires.**—To punish insubordination or disorderly conduct at fires, the obstruction of the operations of the fire department or the willful neglect or refusal to obey or the attempt to prevent or obstruct the execution of the orders of the officers of the fire department.

27. **Fire escapes.**—To require owners of buildings to erect fire escapes when necessary for the safety of occupants; and to compel the owners or occupants of a hotel, factory, theatre, opera house, music hall or other place of amusement, assembly hall, church, literary or charitable institution, to provide doors, windows, stairs, escapes or other means of egress from said building; and to regulate the attendance and seating therein.

§ 33. **Licensing occupations.**—The board of trustees of the village may by ordinance, prohibit the pursuit or exercise without a license of any of the following trades or occupations within the village:

1. The running of public carriages, cabs, hacks, carts, drays, express wagons, or other vehicles for the transportation within the village, for hire, of persons or property, soliciting or running therefor, or for hotels; auctioneering, hawking and peddling, except the peddling of meats, fish, fruit and farm produce.

2. The doing of a retail business in the sale of goods of any description, from canal boats, in the canals, or from the lands by the side of such canals and within the boundary lines thereof, within the limits of the village, except products of the farm and unmanufactured products of the forest.

3. Circuses, theatres, or other exhibitions or performances, the keeping of billiard saloons, bowling alleys, shooting galleries, and other similar places of amusement, for money or hire; or the giving of exhibitions, performances, or entertainments in any place where liquor is sold or drunk under a liquor tax certificate.

4. The use of a public hall or opera house; but such place shall not be licensed unless it has suitable and safe means of ingress and egress, in case of panic or fire.

If any such trade or occupation shall be so prohibited, the board of trustees shall establish uniform fees for licenses therefor, and the president of the village shall issue a license specifying the fee to be paid therefor to such persons as he shall deem fit and proper for such trade or occupation, but such license shall be refused for any of the occupations in the third subdivision above specified, which shall in the judgment of the president, be likely to disturb the peace and order of the village, or be immoral or improper. Every such license shall be countersigned by the clerk of the village, who shall keep a record thereof and the amount of the fee to be paid therefor; and upon presentation of such license, to the treasurer of the village, so signed and countersigned, and the payment to the treasurer of such fee, the treasurer shall endorse thereon his receipt of the license fee. The license shall not take effect until the receipt of the treasurer shall have been endorsed thereon. Any applicant, who shall have been refused such license by the president may apply to the board of trustees therefor, at a meeting thereof, and the same may be granted or refused by the board. The president may suspend any such license until the next meeting of the board of trustees, and thereupon the said license may be revoked or continued by the board.

§ 34. Definition of village ordinances.—A village ordinance includes also a rule, by-law, order or regulation of the board of trustees, or of the board of fire, water, light or sewer commissioners, approved by the board of trustees, for the violation of which a penalty is imposed; and each provision of this act relating to the enforcement of an ordinance applies to such a rule, by-law, order or regulation.

§ 35. Violation of ordinances.—The board of trustees may enforce obedience to its ordinances, by prescribing therein penalties for each violation thereof, not exceeding one hundred dollars for any offense. In addition to the penalty, the board may also ordain that a violation thereof shall constitute disorderly conduct, and that the person violating the same shall be a disorderly person; and such violation shall constitute disorderly conduct, and such person shall be a disorderly person. An ordinance of the village shall not declare any conduct to be disorderly conduct, or that the person violating the same shall be a disorderly person, if any statute of the state shall declare such conduct to be disorderly or constitute the person a disorderly person. Every such ordi-

nance shall be void in so far as it violates the provisions of this section.

§ 36. **Approval by board of ordinances of separate boards.**—An ordinance adopted by the board of fire, water, light or sewer commissioners for the violation of which a penalty is imposed, must be approved by the board of trustees. Upon its adoption, such an ordinance must be certified to the board of trustees, and upon its approval becomes an ordinance of the village with the same force and effect and enforceable in the same manner as if it had been originally adopted by the board of trustees.

§ 37. **When ordinances to take effect.**—Every ordinance hereafter adopted or approved by the board of trustees of the village shall be entered in its minutes and published in the official paper of the village, once each week for two consecutive weeks, and a printed copy thereof posted conspicuously in at least three public places in the village for at least ten days before the same shall take effect, and an affidavit of the publication and posting thereof shall be filed with the clerk. But such an ordinance shall take effect from the date of its service as against a person served personally with a copy thereof, certified by the village clerk, under the corporate seal of the village, and showing the date of its passage and entry in the minutes.

ARTICLE IV.

FINANCES.

Section 38. **Fiscal year.**—The fiscal year begins on the first day of March and ends on the last day of February. No expenditures shall be made nor indebtedness incurred, by the village during the month of March, except for current expenses.

§ 39. **Village funds.**—The village funds are classified as follows:

1. The street fund, composed of all moneys received from taxation or otherwise for construction, care or maintenance of bridges streets, crosswalks or sidewalks, the paving and grading of streets, and for the care and maintenance of public parks and squares.

2. The water fund, composed of all moneys received from taxation or otherwise for supplying the village with water under a contract therefor, or for the purchase, acquisition, construction, care, extension or maintenance of a water works system, all water

rents, all sums received from assessments for fire protection or for the sale of water to be used outside the village and penalties recovered for violations of the ordinances of the department.

3. The light fund, composed of all moneys received from taxation or otherwise for supplying the village with light under a contract therefor, or for the purchase, acquisition, construction, care, extension or maintenance of a lighting system, light rents and penalties recovered for violations of ordinances of the department.

4. The sewer fund, composed of all moneys received from taxation or otherwise, for the construction, care, extension and maintenance of a sewer or a sewer system or for the purchase or acquisition of real property therefor.

5. The fire fund, composed of all moneys received from taxation or otherwise for payment of the running expenses of the fire department, the erection, maintenance and repairs of the engine or hose houses, and the purchase of apparatus, hose or other supplies for the use of such department.

6. The water sinking fund, composed of all sums set apart by the board of water commissioners for that purpose with all interest or other income thereon.

7. The light sinking fund, composed of all sums set apart by the board of light commissioners for that purpose, with all interest or other income thereon.

8. The general fund, composed of all moneys received from taxation or otherwise for a purpose not specified in either of the foregoing subdivisions, nor included in any other fund.

9. A special fund may also be created from time to time, composed of a sum set apart as directed by a proposition, or by the board of trustees, for a purpose not otherwise specified in this section. When all charges against such special fund have been paid, the surplus, if any, may be transferred to the general fund.

Expenditures for a purpose specified in either subdivision must be made from the fund therein described. The expense of acquiring real property for the laying out, alteration or widening of a street or for a public park or square and the compensation therefor, are a charge upon the general fund.

§ 10. Annual financial statement.—The board of trustees shall, after the close of each fiscal year and at least ten days before the next annual election, make a statement of the total amounts of

village taxes, estimated by them as necessary to be raised during the then next fiscal year, specifying the amount for each fund. The board shall cause the annual report of the treasurer for the last preceding fiscal year and such statement made by them, to be published and posted for at least one week prior to the annual election, in the same manner as the notice of such annual election.

§ 41. **Annual assessment-roll.**—The assessors of the village shall, on or before the third Tuesday in May, prepare an assessment-roll of the persons and property taxable within the village, in the same manner and form as is required by law for the preparation of a town assessment-roll.

§ 42. **Meeting of assessors to hear complaints.**—The assessors shall, at least one week before the third Tuesday in May, in each year cause a notice to be published in each newspaper published in the village, and posted in at least five conspicuous public places in the village, that on such third Tuesday in May, at a specified place and during four consecutive hours to be named, they will meet for the purpose of completing the assessment-roll and of hearing and determining complaints in relation thereto, and they may adjourn such meeting from day to day, not later than Saturday next succeeding. The village assessors possess all the powers and are subject to all the duties of town assessors in hearing and determining complaints as to assessments.

§ 43. **Completion and verification of assessment-roll.**—When the assessors, or a majority of them, shall have completed the village assessment-roll, they shall severally make, subscribe and attach to such roll, an oath, in substantially the same form as is required of town assessors by the tax law. The roll as so completed and verified shall be filed with the village clerk on or before the fourth Tuesday in May.

§ 44. **Failure to hold meeting.**—If the meeting for completing the village assessment-roll and hearing complaints in relation thereto is not held on the third Tuesday in May, each of the assessors shall forfeit to the village ten dollars and they shall, by resolution, fix another time therefor and give notice thereof at least ten days prior thereto by publication thereof in the same manner as for the first meeting, and by posting copies thereof in at least five conspicuous places in the village. The assessors shall meet accordingly at the time and place appointed, shall

hear complaints, complete the assessment-roll, and file the same on or before the fourth day after such meeting, in the same manner as near as may be, as if their annual meeting had been held as required by law. If the completed assessment-roll shall not be so filed on or before the fourth day after the meeting for completing the same and hearing complaints in relation thereto, in either case, the assessment shall not on that account be invalid but such roll shall be filed in like manner as soon as may be thereafter, and each assessor shall forfeit to the village five dollars for each day of such neglect.

§ 45. Notice of completion of annual assessment-roll.—Upon completing and filing the annual assessment-roll, the assessors shall cause notice thereof to be published at least once in the next issue of the official paper, and copies of such notice to be posted on or before the first publication, in not less than five conspicuous places in the village, specifying the date of filing and that the same will remain on file with the clerk, subject to public inspection, for fifteen days after the date of such notice.

§ 46. Certiorari to review assessment.—An application for a writ of certiorari to review the assessment-roll may be made within such fifteen days, and the decision and order therein may be made and enforced in the same manner as provided by the tax law.

§ 47. Annual tax levy.—Upon the expiration of such fifteen days, the board of trustees shall levy the tax for the current fiscal year, which must include the following items:

1. Such sums as shall have been authorized by the last preceding annual election, or by a special election for which a special tax warrant has not been issued.

2. The total amount of the indebtedness of the village, lawfully contracted, which will become due and payable during the current fiscal year.

3. Such sums as the board of water and light commissioners shall have certified to be necessary to pay the necessary expenses of said departments during the current fiscal year after applying thereto the probable amount of water and light rents or other income to be received.

4. Such sum as the board of sewer commissioners shall have certified to be necessary to pay the necessary expenses of said

department during the current fiscal year in the maintenance and keeping in repair of the sewer system of the village.

5. If no appropriation has been voted, such sum as the board deems necessary to meet the expenditures from the street fund for the current fiscal year, not exceeding the sum of two thousand dollars.

6. If no appropriation has been voted, such sum as shall be deemed necessary to meet all other expenditures of the village for the current fiscal year, not exceeding the sum of three thousand dollars.

If by reason of an actual or alleged error or defect in the assessment-roll of the last preceding fiscal year, any taxes authorized and intended to be levied thereby, are not paid, or if a special tax warrant has been returned and taxes levied therein remain unpaid, the amount thereof may be levied upon the same property or to the same person upon the annual assessment-roll of the current year. The tax roll shall be made in duplicate and upon its completion the clerk shall endorse upon each duplicate the date thereof. The completed assessment-roll shall be presumptive evidence of the facts therein stated.

§ 48. **Special assessment and levy.**—If the board of trustees is authorized by a special election to levy a special tax, it may borrow the money in anticipation thereof and include the amount in the next annual tax levy, or it may cause the clerk forthwith to prepare a copy of the annual assessment-roll, and the same shall be revised and corrected by the board of trustees as shall be just, for the purposes of the assessment of such tax upon the taxable property and persons of the village, and as so corrected and revised shall be filed with the clerk on or before the second Tuesday after such special election. Thereupon a like proceeding shall be taken as nearly as may be for completing such assessment-roll hearing and determining complaints in relation thereto, which must be on a notice of not less than five nor more than ten days, filing the roll when completed, giving notice thereof and levying the special tax so authorized, as in the case of the annual assessment-roll and the levy of the annual tax.

§ 49. **Lien of tax.**—An annual or special tax is a lien prior or superior to every other lien or claim, except the lien of an existing tax or local assessment, on real property upon which it is levied, from the date of the delivery to the collector of the

warrant for the collection thereof, until paid or otherwise satisfied or discharged.

§ 50. **Lien of assessment for local improvement.**—An assessment for paving, sewers, fire protection, constructing or repairing sidewalks, sprinkling streets, trimming trees, or keeping sidewalks or streets cleared of weeds, ice, snow or other accumulations is a lien prior and superior to every other lien or claim, except the lien of an existing tax or local assessment upon the real property improved or benefited from the date of the final determination of the amount thereof, until it is paid or otherwise satisfied or discharged. No real property is exempt from assessment for a purpose specified in this section.

§ 51. **Warrant to collector.**—Upon the completion of a tax levy, the clerk shall deliver to the collector, one of the duplicate rolls, with a warrant thereto annexed signed by the president and attested by the clerk, under the corporate seal of the village, containing a summary statement of the purposes for which the taxes are levied, the amount thereof for each purpose, and the total amount for all purposes, and commanding the collector to collect the taxes therein levied with his fees, and to return said warrant and roll to the clerk within sixty days after the date of the warrant, unless the time shall be extended. The collector shall give a receipt to the clerk for the warrant and the assessment-roll delivered to him. The board of trustees may extend the time for the return of the warrant thirty days beyond the first sixty, and such extension shall not affect the validity of the bond given by the collector and his sureties.

§ 52. **Collection of taxes by collector.**—Upon receiving the assessment-roll and warrant the collector shall cause a notice to be published at least once in the official paper and to be posted conspicuously in five public places in the village, stating that for thirty days after a date specified in said notice, he will attend at a convenient place in the village, specified in the notice, for the purpose of receiving taxes. Within five days after the posting of such notice, the collector shall serve a copy thereof upon each corporation named in or subject to taxation upon the assessment-roll and whose principal office is not in the village, by delivering such copy to a person designated by the corporation for that purpose by a written designation filed with the village clerk, or to any other person in the village acting as the agent or represen-

tative in any capacity of such corporation. If there is no such designated person or agent in the village, service of such notice upon the corporation shall not be required. Any person or corporation paying taxes within thirty days from the date specified in the notice, shall be charged with one per centum thereon, and thereafter with five per centum, for the fees of the collector. If a notice is not served upon a corporation as herein required, the collector shall only be entitled to one per centum as his fees upon the taxes assessed against it. After the expiration of such thirty days the collector shall proceed to collect the taxes remaining unpaid, and for that purpose he possesses all the powers of a town-collector. The laws relating to town-collectors shall also, so far as consistent with this act, apply to the collection of the village taxes.

§ 53. **Return of collector; payment of taxes to treasurer.**—The collector shall pay all taxes received by him, as soon as practicable after receipt thereof, to the treasurer, and, upon the expiration of the time fixed therefor, shall deliver the roll and warrant to the clerk and make and file with him a return, in accordance with the directions of the warrant, showing the total amount of tax paid and each tax unpaid, with the receipt of the village treasurer for all taxes paid to him. The clerk shall thereupon deliver to the treasurer a statement showing the unpaid taxes returned by the collector. All taxes so returned unpaid shall be increased five per centum, and, if remaining unpaid for thirty days after such return, shall bear interest at the rate of ten per centum per annum, from the time of their return as unpaid by the collector to the time of their subsequent payment; and such tax and increase may be paid to the treasurer at any time after such return and before a sale for such unpaid tax of any real property upon which the same may be assessed, but if paid after a notice of sale has been given as provided in this article, the expense of such notice shall be added to the amount of the tax.

§ 54. **Return and assessment-roll as evidence.**—The return of unpaid taxes by the collector, or a copy thereof, certified by the clerk under the corporate seal shall be presumptive evidence of the facts stated therein. An assessment-roll filed with the clerk, or a copy of the same, or any part thereof, certified by him under the corporate seal, shall be presumptive evidence of the contents

thereof, of the regularity of the assessment, and of the right to levy such tax.

§ 55. **When real property to be sold for unpaid tax.**—If a tax assessed upon real property on an annual or special assessment-roll, be returned by the collector or treasurer as unpaid, the board of trustees may direct the treasurer to sell an interest in such property for the unpaid tax, in the manner herein described. If such sale be directed, the clerk shall deliver to the treasurer a certified copy of the assessment upon such property, and all entries relating thereto contained in the assessment-roll. Upon receiving such statement, the treasurer shall proceed to sell at public auction an estate in such real property for the shortest period not exceeding fifty years, for which any person will take such property, and pay a tax and percentage and interest then due, together with the expenses of the sale, which shall include giving the notice of sale, and one dollar for the services of the treasurer.

§ 56. **Notice of sale.**—Notice of sale shall be published in the official newspaper once in each week for at least four consecutive weeks, and posted in at least five conspicuous places in the village, and a copy thereof served on the owners of such real property at least three weeks before the sale. The notice of sale shall contain a brief description of the property and a brief statement of the facts authorizing the sale, and the time and place thereof.

§ 57. **Certificate of sale.**—All such sales shall be for cash, and upon payment by the purchaser, the village treasurer shall deliver to him a certificate of the sale, signed and acknowledged in the same manner as a deed to be recorded, stating the amount paid by the purchaser, the date of sale and payment, and a description of the real property sold. The certificate of sale may be recorded in the county clerk's office in the same manner and with the same effect as a deed, and if so recorded within two years after the tax became a lien upon the property, the recording of such certificate shall have the same effect as the recording of a deed, to give the certificate priority over every interest therein or lien thereon acquired subsequent to the lien of the tax; but unless such certificate is recorded within such time, it shall be void as to such other interest or lien.

§ 58. **Purchaser entitled to possession.**—Upon the receipt and recording of such certificate, the purchaser or other owner of

the certificate shall be entitled to immediate possession and enjoyment of such real property as against all persons having any title to, interest in or lien upon such property at the time the tax became a lien thereon, and against all persons deriving any title to, interest in or lien upon such property while the tax was a lien thereon, and to retain possession thereof during the existence of the estate purchased, unless such real property is redeemed from such sale.

§ 59. **Enforcement of right to possession.**—The purchaser or other owner of the certificate may enforce his right to possession by summary proceedings, in the same manner as a landlord against a tenant holding over after the expiration of term. The purchaser or other owner of the certificate may, before the expiration of the estate purchased, remove all buildings and fixtures which he has erected or placed thereon during its existence which can be removed without permanent injury to the premises.

§ 60. **Village may bid in property; rights of village.**—If there be no other bidder, the treasurer shall bid in the property for the village for the term of fifty years, and a certificate thereof shall be issued accordingly. Thereupon the village has all the rights of a purchaser for such term. Immediately upon the purchase of such property by the village, the president shall take possession thereof and hold, manage, lease or otherwise control the same. He may, in the name of the village, institute and maintain summary proceedings to obtain possession of such property in the same manner as upon the sale of real property upon execution. The treasurer shall open an account with such property, and charge to the same the amount of taxes, fees, interest and expenses of the sale, and shall also add all sums subsequently levied upon the property by tax and local assessment and remaining unpaid. The president shall pay to the treasurer during each fiscal year the net amount received from such property, which amount shall be credited in the account. Upon payment by any person to the treasurer of the amount of taxes or assessments charged against such property, together with the interest at the rate of ten per centum per annum from the time of the sale or the return of a subsequent unpaid tax or assessment, after deducting any credits appearing in the account, the president shall, on demand, execute and deliver to the person making such payment an assignment of the certificate of sale, or a satisfaction thereof, as

may be required. Whenever the amount received from the use of such property equals the taxes, assessments, expenses and interest then due, the rights of the village shall then cease and determine, and the president shall thereupon execute and deliver to the owner of the property a release and satisfaction of the interest of the village therein. If, upon the execution of an assignment of the certificate, or of a release or satisfaction, a surplus derived from such property remains in the treasury, it shall be paid, upon the order of the board of trustees, to the person entitled thereto, on demand.

§ 61. **Redemption from sale by owner.**—A person who at the time of the sale was the owner of the property, or of a vested interest therein, or a lessee thereof, or his assigns, may redeem from the sale, either by paying to the owner of the certificate of sale other than the village, or by depositing with the treasurer for his benefit the amount paid by the purchaser, on such sale, with interest thereon at the rate of ten per centum per annum from the time of the sale to the time of deposit, and the fees lawfully paid to the county clerk for recording the certificate or any assignment thereof. If such payment be made to the owner of the certificate, he shall thereupon execute and deliver to such person making the payment a written cancellation or receipt of the certificate of sale, duly acknowledged in the same manner as a deed to be recorded, and specifying the date of the sale, the amount paid thereon, the purchaser thereat, and the property sold. If such payment be made to the treasurer, he shall deliver to the person making it, a written receipt acknowledged in like manner and containing like specifications. The recording of such cancellation or receipt in the county clerk's office shall effect a cancellation of such certificate or sale.

§ 62. **Actions to recover unpaid taxes and water rents.**—After a lapse of ten days from the return of the collector or from the date when water rents are due, an action may be maintained, as upon contract, by the village, to recover the amount of an unpaid tax or water rent, together with five per centum thereon, and interest from the time of such return or date at the rate of ten per centum per annum. A judgment in such action for any amount, when docketed in the office of the county clerk, shall be a lien upon the real property of the defendant. Supplementary

proceedings may also be taken for such tax or water rent for any amount in accordance with the provisions of the tax law.

§ 63. **Investment of sinking funds.**—If at any time the receipts of the water or light department exceed the amount needed for current expenses, and the payment of principal or interest due or to become due during the next fiscal year, the surplus may be transferred to a fund to be known as the sinking fund of the department, and to be used in the payment of outstanding obligations, or for future expenses of the department, if the rents or other income be insufficient for that purpose. The village sinking fund may be invested in

1. The bonds of the United States, the state of New York, or any city of this state, or the bonds, certificates or other obligations issued by the village for the payment of such indebtedness, which may be purchased at any time from such sinking fund at prices not exceeding the par value, and when so purchased, the same shall be immediately cancelled; or

2. Mortgages on improved land owned by the borrower in the county of Oswego, but before such mortgage is accepted the board of trustees must be satisfied that the borrower has a title in fee to such lands, and that the same are free and clear of all incumbrances and are worth twice the amount of the sum loaned.

§ 64. **Borrowing money generally.**—If authorized by an election, money may be borrowed by the village upon its bonds or other obligations, payable in future fiscal years for the purposes of purchasing, constructing and maintaining the following village improvements:

1. A village hall.
2. Fire engines and fire alarm system.
3. Laying out, grading or paving streets.
4. Sidewalks.
5. Bridges.
6. Water works.
7. Lighting system.
8. Sewerage.
9. Parks.

Money may be borrowed in anticipation of taxes already levied for the current fiscal year, but not in excess thereof, and it must be payable within such year. No contract shall be made involving an expenditure by the village, unless the money therefor is on

hand, or a proposition has been adopted, authorizing the board of trustees to raise such money.

§ 65. Bonds or other obligations.—Bonds or other obligations of the village shall be signed by the president and treasurer and attested by the clerk, under the corporate seal. They shall become due within thirty years from the date of issue, and, unless the whole amount of the indebtedness represented thereby is to be paid within five years from their date, they shall be so issued as to provide for the payment of the indebtedness in equal annual installments, the first of which shall be payable not more than five years from their date. They shall bear interest at a rate not exceeding five per centum per annum, and shall be negotiated for not less than their par value. They shall be sold on sealed proposals or at public auction, upon notice published in the official paper, and also in each other newspaper actually printed in the village, and in such other newspapers as the board of trustees may determine, and posted in three public places in the village, at least ten days before the sale, to the person who will take them at the lowest rate of interest. They shall be consecutively numbered from one to the highest number issued, and the clerk shall keep a record of the number of each bond or obligation, its date, amount, rate of interest, when and where payable, and the purchaser thereof or the person to whom they are issued.

§ 66. Limitation of indebtedness.—The village shall not incur indebtedness if thereby its total contract indebtedness, exclusive of liabilities for which taxes have already been levied, shall, in addition to obligations issued to provide for the supply of water, exceed ten per centum of the assessed valuation of the real property of such village, subject to taxation, as it appeared on the last preceding village assessment-roll.

§ 67. Second election upon proposition to raise money.—If the vote at an election upon a proposition to purchase property, or to raise a tax or to incur a debt shall be against such proposition, no proposition embracing the same object shall be again submitted before the next annual election thereafter.

ARTICLE V.

STREETS, SIDEWALKS AND PUBLIC GROUNDS.

§ 68. **Definitions.**—The term “street,” as used in this act, also includes a bridge, highway, road, lane or alley which the public have the right to use; and the term “pavement” includes a macadam, telford, asphalt, brick or other similarly improved roadbed, and also includes curbs, gutters and drains or storm sewers.

§ 69. **Separate highway district.**—The streets and public grounds of the village, except as provided in the next section, are under the exclusive control and supervision of the board of trustees.

§ 70. **Care of bridges.**—If, at the time this act takes effect, the board of trustees of the village has the supervision and control of a bridge therein, it shall continue to exercise such control under this act. In any other case, every public bridge within the village shall be under the control of the commissioners of highways of the town in which the bridge is wholly or partly situated, or such other officer as may be designated by special law, and the expense of constructing and repairing such bridge and the approaches thereto shall not be a village charge.

§ 71. **Dedication of streets.**—An owner of land in the village who has laid out a street thereon, may dedicate such street, or any part thereof, or an easement therein, to the village for a public street, or an owner may dedicate for such purpose land not laid out as a street. Upon an offer in writing by the owner to make such a dedication, the board of trustees shall meet to consider the matter; and it may by resolution, determine to accept the dedication of the whole or any part of the land described in such offer, or of the whole or any part of such street to be described in such resolution. Upon the adoption of such resolution, the owner may execute and deliver to the village clerk a proper conveyance of the land to be dedicated. The board of trustees may, by resolution, accept the conveyance, and a certified copy of such resolution, together with the conveyance, shall thereupon be recorded in the office of the county clerk. Upon the acceptance of the conveyance, the land described therein shall become and be a public street of the village. No street less than three rods in width shall be accepted by dedication. All offers of dedication must be entered at length in the minutes of the board of trustees.

§ 72. **Petition for street improvement.**—Five resident free-holders may present to the board of trustees a petition for laying out, altering, widening, narrowing or discontinuing a street in the village. The petition must be addressed to the board of trustees and must contain a statement of the following facts:

1. The names and residences of the petitioners.
2. If the petition be for the laying out of a street, the general course thereof and a description of the land to be taken.
3. If the petition be for the alteration of a street, its name, the proposed alteration, and a description of the lands, if any, to be taken.
4. If the petition be for the widening of a street, its name and a description of the land to be taken.
5. If the petition be for the narrowing of a street, its name, its proposed width after such alteration, and the manner in which such narrowing is to be effected.
6. If the petition be for the discontinuance of a street, its name and the part proposed to be discontinued.
7. If the petition be for the laying out, alteration or widening of a street, the names and residences of the owners of all the lands to be taken.
8. If the petition be for the narrowing or discontinuance of a street, the names and residences of the owners of adjoining lands affected.

§ 73. **Notice of meeting of board to consider petition.**—Upon the presentation of the petition, the board shall immediately give notice that it will meet at a specified time and place, not less than ten nor more than twenty days from the date of such notice to consider the petition. The notice must state the general object of the petition and if it be for the laying out of a street, a general description of its proposed course, and in any other case, the name of the street proposed to be changed or discontinued. The notice must be served upon the following persons, unless such service be waived by them in writing:

1. If the petition be for the laying out of a street, upon each owner of the lands to be taken.
2. If the petition be for the alteration or widening of a street, upon each owner of land, if any, to be taken, and upon each owner of land adjoining the part of the street affected.

3. If the petition be for the narrowing of a street, upon each owner of lands adjoining the part of the street affected.

4. If the petition be for the discontinuance of a street, upon each owner of lands adjoining the part of the street proposed to be discontinued, and also upon the owner of land otherwise affected by the proposed discontinuance.

If a person other than the owner is in possession of such land, notice must also be served upon him. Such notice shall also be published in the official newspaper and posted in five conspicuous places in the village. The notice must be served, posted and published at least ten days before the hearing.

§ 74. **Meeting and determination of board.**—The board shall meet at the time and place specified in the notice to consider the petition and also any objections thereto. A person affected by the proposed improvement and upon whom notice has not been served, may appear upon the hearing. A voluntary general appearance of such a person is equivalent to a personal service of the notice upon him. The board may adjourn the hearing and must determine the matter within twenty days from the date fixed for such hearing. If the board determine to grant the petition, an order must be entered in its minutes, containing a description of the land, if any, to be taken.

§ 75. **Effect of determination.**—The determination of the board has the following effect:

1. If the petition for the laying out, alteration or widening of a street be granted, the board of trustees may acquire the land for such improvement by purchase or by proceedings under this article. But no street shall be laid out through a building or any fixtures or erections for the purpose of trade or manufacture, or any yard or enclosure necessary to be used for the enjoyment thereof, without the consent of the owner, except upon the order of a justice of the supreme court, residing in the fifth judicial district, to be granted upon an application by the board of trustees on a notice to the owner of not less than ten days.

2. If the petition for the narrowing of a street be granted, the board shall enter upon its minutes, a description of the street after such narrowing, and the portion of the former street not included in such description is abandoned.

3. If the petition for the discontinuance of a street be granted, such street or the part thereof so discontinued, is abandoned.

§ 76. **Application for commissioners; notice of application.**—If the petition for the laying out, alteration or widening of a street be granted, and the board cannot agree with an owner upon the purchase price of land necessary to be acquired, an application may be made by the board to the county court, for the appointment of three commissioners to determine the compensation to be made to such owners. At least ten days before the making of such application, a notice specifying the time and place thereof must be served upon such owner.

§ 77. **Appointment of commissioners.**—Upon such application, the county court must appoint as such commissioners, three resident, disinterested freeholders of the county, not residents of the village nor nominated by the person interested in the proceeding. In case of a vacancy, another commissioner may be appointed in like manner. The order of appointment must contain the name of each person, whose compensation is to be determined by the commissioners.

§ 78. **Notice of meeting of commissioners.**—The commissioners shall file with the village clerk the constitutional oath of office. They shall appoint a time and place for a hearing and serve a notice thereof upon the board of trustees and upon each person named in the order. Such notice must be served at least ten days before the hearing, which must be held within twenty days after their appointment.

§ 79. **Meeting and award of commissioners.**—The commissioners shall meet at the time and place appointed and may adjourn from time to time. They shall personally examine the land, compensation for which is to be determined by them, and may take testimony in relation thereto. They shall keep minutes of their proceedings and reduce to writing all evidence taken by them. They shall award to each owner of land, named in the order the compensation to which he may be entitled after making allowance for any benefit he may derive from the improvement. After the appointment of the commissioners and before any evidence is taken on the hearing, the board may make an agreement with an owner named in the order for the compensation to be made to him. If such an agreement be made, notice thereof must be served upon the commissioners and thereupon, the proceeding, as to such owner, is discontinued. The award shall be signed by a majority of the commissioners, and, together with the min-

utes of their proceedings, the evidence taken by them, and any notice of agreement served upon them, shall be filed in the office of the village clerk.

§ 80. **Appeal from award of commissioners.**—The board of trustees, or an owner to whom an award has been made by the commissioners may, within twenty days after the filing of the award, appeal therefrom to the county court. Such appeal shall be taken by a notice of appeal to be served as follows:

1. If the appeal be taken by the board of trustees, notice thereof must be filed by the village clerk in his office and addressed to and served upon each owner to whose award objection is made by the board.

2. If the appeal be taken by an owner, the notice of appeal must be addressed to the board of trustees and served upon the village clerk.

The notice must, in either case, briefly state the grounds upon which the appeal is taken.

§ 81. **Return by clerk.**—Within ten days after such appeal, the village clerk shall transmit to the county judge the petition filed with the board for the laying out, alteration or widening of the proposed street, all papers and evidence in the proceedings subsequently filed in his office and a certified copy of each resolution of the board of trustees relating to the improvement.

§ 82. **Hearing of the appeal.**—The appeal may be brought on by either party by a notice of not less than ten nor more than twenty days. If the appeal is by the board of trustees, it brings up for review all proceedings by or before the commissioners, and the award made by them. If the appeal is by an owner, it brings up for review all proceedings relating to the proposed improvement. If the appeal is by the board of trustees, and two or more owners are made respondents, the county court may affirm or reverse the award of the commissioners as to the whole or any number of such owners; and if the appeal is by an owner the county court may affirm or reverse the award. If the award be reversed, the order of reversal must state the reasons therefor, and if upon grounds relating to the amount of the award, or for errors in the proceedings by the commissioners, it must direct a re-hearing before the same or other commissioners. If it appears from the order of the county court that the award is reversed solely upon grounds relating to the amount of com-

pensation, or for errors in the proceedings by the commissioners, no further appeal shall be allowed. The order of the county court upon such appeal, together with the papers transmitted by the village clerk, must be filed by the county judge in the office of such clerk. The order must also be entered in the office of the county clerk.

§ 83. **Compensation of commissioners.**—Each commissioner is entitled to five dollars for each day actually and necessarily spent in such proceedings, together with his necessary traveling and incidental expenses. Such compensation and expenses are a charge against the village.

§ 84. **Costs on appeal.**—Costs on appeal may be allowed as follows:

1. If upon appeal by the board of trustees, the award of the commissioners be affirmed, the county court may allow the respondent costs of such appeal against the village not exceeding twenty-five dollars.

2. If on such an appeal, the award be reversed on the ground that as to a specified owner, it is excessive, the court may fix the amount of costs not exceeding fifty dollars, to be stated in the order, to be paid by the village to such owner, if upon a rehearing the amount awarded to him is not more favorable to the village by the amount of such costs than the first award.

3. If on appeal by an owner the award be affirmed, costs not exceeding twenty-five dollars may be awarded against him to be recovered by the village.

4. If on such an appeal the award be reversed, the county court may allow to the owner a sum not exceeding twenty-five dollars, for the costs of appeal which shall be a charge against the village.

§ 85. **Payment for property acquired for street improvement.**—Upon the making of an agreement for compensation to an owner under this article, or upon the final order or award fixing the amount of such compensation in proceedings therefor, the board shall immediately pay such amounts and the costs, if any, allowed in the proceedings, if it has funds available for that purpose; if not, money may be borrowed and certificates of indebtedness, bearing interest issued therefor, or like certificates may be issued for such amounts, and payable, in either case, not more than one year from the date thereof; and the amount of such certificates shall be included in the next annual tax levy.

§ 86. **Changing grade of street or bridge.**—If the village has exclusive control and jurisdiction of a street or bridge therein, it may change the grade thereof. If such change of grade shall injuriously affect any building or land, adjacent thereto, or the use thereof, the change of grade to the extent of the damage resulting therefrom, shall be deemed a taking of such adjacent property for a public use. A person claiming damages from such change of grade must present to the board of trustees a verified claim therefor within sixty days after such change of grade is effected. The board may agree with such owner upon the amount of damages to be allowed to him. If no agreement be made, within thirty days after the presentation of the claim, the person presenting it may apply to the supreme court for the appointment of three commissioners to determine the compensation to which he is entitled. Notice of the application must be served upon the board of trustees at least ten days before the hearing thereof. All proceedings subsequent to the appointment of the commissioners shall be taken in accordance with the provisions of the condemnation law, so far as applicable, except that the commissioners, in fixing their award, may make allowance for benefits derived by the claimant from such improvement. The amount agreed upon for such damages or the award therefor, together with the costs, if any, allowed to the claimant, shall be a charge against the village. The board may borrow money for the payment thereof, or may issue certificates of indebtedness therefor, in the same manner as in case of damages for laying out a street.

§ 87. **Streets on boundary lines.**—Whenever a street is on a line between the village and the town, the highway or street commissioners of such adjoining municipalities shall, on or before the first day of May in each year, meet at a time and place to be determined by them, and divide such street. The officers present at such meeting shall allot a part of the street to each municipality in such manner that the labor and expense of keeping such street in repair may be equal as nearly as practicable. The officers making such division shall within ten days thereafter file in the office of the clerk of each municipality, a certificate showing the part of such street allotted to each.

§ 88. **Crosswalks and sidewalks.**—The board of trustees may construct and repair crosswalks upon the streets within the vil-

lage. It may also construct and repair sidewalks upon such a street wholly at the expense of the village, or of the owners or occupants of the adjoining land, or partly at the expense of each. If a sidewalk is so required to be constructed or repaired wholly at the expense of the owners or occupants of the adjoining lands, a notice specifying the place and manner, and the time, not less than ten days, in case of a new walk, or not less than twenty-four hours, in case of repairs, within which the sidewalk is required to be constructed or repaired, shall be served upon such owners or occupants. If an owner or occupant shall not construct or repair the sidewalk as required by the notice, the board of trustees may cause the same to be so constructed or repaired, and assess the expense thereof upon the adjoining land. If a sidewalk is to be constructed or repaired at the joint expense of the village and the owner or occupant, the board of trustees may cause the same to be constructed or repaired, and assess upon the adjoining land the proportion of the expense chargeable against the same; or it may direct the owner or occupant to contribute labor or materials therefor.

§ 89. **Snow and ice on sidewalks.**—The board of trustees may require the owners or occupants of land fronting on sidewalks to keep them clear of snow and ice, and upon default, may cause such sidewalks to be cleared, and assess the expense thereof upon such adjoining land or may cause the sidewalks on any street or portion thereof to be kept clear of snow and ice, and assess the expense thereof upon the adjoining land.

§ 90. **Sprinkling streets.**—The board of trustees may cause a street or a part thereof to be sprinkled, and may assess the expense thereof, in whole or in part, upon the owners or occupants of the adjoining land.

§ 91. **Pavements.**—The board of trustees may cause a street, or any portion thereof, in the village to be paved wholly at the expense of the village, or of the owners of the adjoining land or partly at the expense of each; but such street shall not be paved wholly at the expense of the owners of the adjoining land, unless a petition be presented to the board of trustees, signed and acknowledged by the owners of at least two-thirds of the frontage on the street, or portion thereof proposed to be paved, exclusive of any portion thereof owned by the village and a hearing given thereon to all

persons interested on a notice of at least ten days. The board of trustees shall give notice in writing to owners of land adjoining such street or portion thereof that the board intends to cause such street to be paved, and directing such owners to make connections with the sewer and with the water and gas mains, and carry the same inside the curb-line. Should such owners neglect for ten days after the service of such notice, to make such connections, the board of trustees shall cause the same to be made, according to the directions in such notice and assess the expense thereof upon the adjoining lands. If a pavement is so required to be constructed or repaired wholly at the expense of the owners of the adjoining lands, a notice specifying the place and manner and the time, not less than thirty days, within which the pavement is required to be constructed or repaired, shall be served upon the owners. All pavements shall be constructed or repaired under the direction of the board of trustees and the expense thereof shall be assessed upon the adjoining land, first deducting the share of any portion thereof which any street or other railway company may be liable to pay, except that whenever the board of trustees determine to construct or repair such pavement partly at the expense of the village, the village shall pay one-third of the expense thereof. The board of trustees shall assess upon any railway company its share of the expense of said paving which share shall be the expense of that portion of the pavement between its tracks, the rails of its tracks and two feet in width on each side of the rails outside of its tracks. Its portion shall be assessed against any railway company in the same manner as other assessments under this section, and the amount so assessed shall be a first lien upon all the property and franchises of such railway company within the corporate limits of said village until fully paid, and superior to every other lien or claim except the lien of an existing tax. The total amount expended for street paving in any fiscal year from the moneys raised during such year for street purposes, otherwise than in pursuance of a village election, shall not be more than one-half thereof. No land owner shall be required to pave or bear the expense of paving any portion of the street not in front of such land, nor beyond the center of the street. The expense of constructing a pavement or any part thereof may be raised in an entire amount or in similar amounts from time to time as the

board of trustees may determine. If any portion of such expense is to be borne by the village, bonds or certificates of indebtedness may be issued. If such expense or any part thereof is to be assessed upon adjoining lands or any railway company, the board may apportion it upon the lands or any railway company and assess the same as a whole or by installments, not exceeding three. Notice of an assessment based upon such apportionment shall be given to the land owners and to such railway company, who may pay the amounts assessed within ten days after such notice. At the expiration of that time, bonds or certificates of indebtedness may be issued for the aggregate amount of such assessment then remaining unpaid. Taxes for the amount of such bonds or certificates, issued on account of default in the payment of the amount apportioned upon adjoining lands or any railway company, shall be levied and collected in the manner prescribed in this act in case of unpaid assessments for the construction of sewers. In case any assessment heretofore or hereafter made for a local improvement shall have been or shall be set aside by any court of this state, or shall fail or shall have failed, through any irregularity in making or confirming such assessment, it shall be lawful for the board of trustees, forthwith, to cause a new assessment, including the interest and expenses of the former assessment to be levied and collected; and such new assessment shall have the same force and effect as though no former assessment had been made.

§ 92. **Trimming trees.**—The board of trustees may require the owners of lands to trim the trees in front thereof, and upon default, may cause such trees to be trimmed, and assess the expense thereof upon the adjoining land.

§ 93. **Local assessments under this article.**—Whenever expenditures are made by the board of trustees for constructing or repairing sidewalks or pavements, putting in sewer, gas or water connections, trimming trees, sprinkling streets or keeping the sidewalks or streets cleared of ice, snow or other accumulations thereon, which under this article are assessable upon the land affected or improved thereby, the board shall serve a notice of at least ten days upon the owner or occupant of such property, stating that such expenditure has been made, its purpose and amount, and that at a specified time and place, it will meet to make an assessment of the expenditure upon such lands. The

board shall meet at the time and place specified. It shall hear and determine all objections that may be made to such assessment, including the amount thereof, and shall assess upon the land the amount which it may deem just and reasonable, not exceeding in case of default the amount stated in the notice. If the amount so assessed be not paid within twenty days after such assessment, an action to recover the amount may be maintained by the village against the owner or occupant liable therefor, or a special warrant may be issued by the board of trustees for the collection of such assessment, or the amount thereof may be included in the next annual tax levy.

§ 94. **Acquisition of lands for parks and squares.**—The board of trustees may, on behalf of the village, accept by grant or devise a gift of land for a public park or square within the village, or wholly within one mile of the boundaries thereof or may submit to a village election a proposition to purchase land so located for such purpose, at an expense, specified in the proposition, not exceeding one per centum of the value of the taxable property of the village, as appears by the last preceding assessment roll. Upon the acquisition of land for the purposes of this section, either by gift or purchase, the board may establish and maintain a public park or square thereon.

ARTICLE VI.

POLICE DEPARTMENT.

§ 95. **Oath and bond of police justice.**—The police justice, before entering upon the duties of his office, will take and subscribe the constitutional oath of office and file the same with the village clerk and shall execute to the board of trustees a bond, in the penal sum of two thousand dollars, with two sureties, to be approved by the board of trustees, conditioned for the faithful performance of the duties of his office.

§ 96. **Criminal jurisdiction of police justice.**—The police justice of the village may hold a court of special sessions therein and shall have in the first instance, exclusive jurisdiction to hear, try and determine charges of a misdemeanor committed within the village and triable by a court of special sessions, subject to the right of removal, as provided by the code of criminal procedure, to a court having authority to inquire by the intervention of a grand jury into offenses committed within the county. Such

police justice shall have exclusive jurisdiction to take the examination of a person charged with the commission, in the village, of a crime, not triable by a court of special sessions; and also to hear, try and determine charges against a person of being a vagrant or disorderly person, within the village, or of having committed disorderly conduct therein; and to take such proceedings in either of such cases as may be taken by a justice of the peace, with all the powers and subject to all the duties and liabilities of a justice of the peace in respect thereto. Such police justice shall have all powers and authority, and be subject to all the duties and liabilities of a justice of the peace, in issuing warrants for the arrest of a person charged with the commission of a crime or disorderly conduct in the county; but if the offense is charged to have been committed outside of the village, the person arrested by such process shall be taken before another magistrate of the town in which such offense is charged to have been committed, and the papers upon which such process was issued shall be delivered to him, who shall proceed thereon as though such warrant had been issued by him upon such papers. A person arrested upon a criminal warrant, issued by a justice of the peace upon a charge of committing a crime or an offense of a criminal nature within the village shall be taken before the police justice of the village, and the papers upon which the process was issued delivered to him, who shall proceed thereon as though such warrant had been issued by him, upon such papers. The term "proceeding," as used in this article, also includes a special proceeding of a criminal nature.

§ 97. Acting police justice.—The board of trustees shall designate a justice of the peace, residing in the village, as acting police justice of the village. During the absence or disability of the police justice to perform the duties of his office, the acting police justice has all the powers and is subject to all the liabilities of a police justice within the village. In case of the absence or inability of both the police justice and the acting police justice, any justice of the peace of the town of Granby, has jurisdiction.

§ 98. Compensation of police justice.—If the police justice shall not be paid a salary, he shall be entitled to receive for his services the same fees as a justice of the peace of the town of Granby for like services, to be paid in like manner, except that

his fees in proceedings on account of violations of village ordinances shall be paid by the village. The village may, by the adoption of a proposition determine that the police justice shall be paid a salary instead of fees, and may fix the amount thereof not exceeding three hundred dollars per annum and such salary shall not be increased or diminished during his term of office. Such salary shall be paid in equal monthly instalments by the treasurer upon the order of the board of trustees, except that the amount of fees collected by the acting police justice for services performed in the absence of the police justice, shall be deducted therefrom.

§ 99. *Pay of acting police justice.*—The acting police justice shall receive for his services the same fees as a justice of the peace of the town of Granby for like services, to be paid in like manner, except that his fees in proceedings on account of violations of the village ordinances shall be paid by the village.

§ 100. *Records of police justice.*—The board of trustees shall provide the police justice with suitable books in which he shall keep a record of all actions or proceedings for violations of village ordinances and of criminal actions or proceedings, had or tried before him, or in a court of special sessions held by him, which record in each case, shall contain the names of complainant and defendant, a statement of the nature of the offense charged and, under proper dates, the proceedings therein, the minutes of all courts of special sessions held by him, and an accurate account of all fines, penalties, fees, expenses and costs imposed, received or ordered paid by him in all such actions and proceedings.

§ 101. *Accounts, reports and payments of fees and fines, by salaried police justice.*—If the police justice of the village is paid by salary, he shall not receive for his own benefit any fees, costs or expenses in any action or proceeding, but shall demand and receive the same fees, costs and expenses therein, as are provided by law to be paid to a justice of the peace of a town, and shall keep an account thereof and of fines and penalties paid to him. All such costs, fees and expenses, and all penalties or other money so paid to him in a proceeding for or on account of a violation of an ordinance of the village during any calendar month, shall be paid to the treasurer before the first regular meeting of the board of trustees in the next succeeding month. All other costs, fees,

expenses, fines or penalties so collected shall be paid over and accounted for in the same manner as moneys collected by a justice of the peace in like cases. He shall, prior to such meeting in each month, file with the village clerk a complete, detailed and verified statement of all moneys payable to the village treasurer, which were received by him during the last preceeding month, with the written receipt of the treasurer therefor attached thereto. No order for the salary of such police justice shall be drawn until such monthly statement and receipt are filed with the clerk. He shall keep an account of all fees, in criminal actions and proceedings, which would be payable to him if he were not paid a salary, and which are a town or county charge and shall present claims for such fees against the town or county to which chargeable. All orders or warrants for such claims shall be made payable to the treasurer of the village, who shall collect the amount thereof.

§ 102. *Civil jurisdiction of the police justice.*—The police justice shall have the same jurisdiction as a justice of the peace of a town in civil actions to recover a penalty or forfeiture, payable to the village. The town clerk of the town of Granby shall furnish to such police justice, jury lists in the same manner as to the justices of his town.

§ 103. *Duties of police justice.*—The police justice shall attend at his office from nine to eleven o'clock in the forenoon of every day, and as much longer as the duties of his office may require and hear all complaints, hold courts of special sessions, and conduct all other proceedings required by law.

§ 104. *Village policemen.*—The president, each trustee and the street commissioner are ex officio members of the police department and have all the powers conferred upon policemen by this article. The board of trustees may appoint one or more village policemen, one of whom may be designated as chief of police and may remove said policemen at their pleasure.

§ 105. *Powers and duties of policemen.*—The policemen so appointed shall have all the powers and be subject to all the duties and liabilities of constables of towns, in serving process in any civil action or proceeding to which the village is a party and in serving warrants, subpoenas or other process in criminal actions or proceedings, for or on account of crimes committed within the

village and in making arrests therefor, or for violations of village ordinances. Except in case of the absence or other disability of a village policeman, such powers shall be exclusive of any constable of a town, in serving all warrants, subpoenas or other process issued by the police justice, acting police justice or a justice of the peace, for or on account of an offense or violation of an ordinance committed within the village.

§ 106. **Fees, salaries and expenses of policemen.**—The village may by the adoption of a proposition, determine that one or more village policemen shall be paid a salary, instead of fees and may fix the amount and time of payment thereof. A village policeman shall receive the same fees as constables of towns for similar services, to be paid in like manner, except that his fees for services in proceedings on account of a violation of a village ordinance shall be paid by the village. If a village policeman receives a salary, all fees collected or received by him belong to the village and he must account therefor and immediately pay the same over to the treasurer of the village. A village policeman shall not receive any present or reward for his services other than his fees or salary, except by the consent of the board of trustees. Every village policeman who receives a salary from the village for his services shall keep a book, in which shall be entered all services performed by him, which are a town or county charge and shall present claims therefor against the town or county to which chargeable. All orders or warrants for such claims shall be made payable to the village treasurer, who shall collect the amount thereof.

ARTICLE VII.

FIRE DEPARTMENT.

Section 107. **Separate board of fire commissioners.**—Upon the adoption of a proposition therefor at an annual election, the village may establish a separate board of fire commissioners, composed of three members. If such proposition be adopted, the board of trustees at its next annual meeting shall appoint such commissioners for the terms of one, two and three years, respectively; and at each annual meeting thereafter, the board of trustees shall appoint one commissioner for the full term of three years.

§ 108. **General powers of fire commissioners.**—The board of fire commissioners

1. Has the care, custody and control of all property belonging to the fire department.

2. May purchase fire engines, hose, hose-carts, horses, tools, implements and apparatus suitable and necessary to prevent and extinguish fires within the village, and keep the same in good condition and repair.

3. May erect and maintain suitable and necessary buildings for the fire department.

4. May construct and maintain reservoirs and cisterns and supply them with water for use at fires.

5. May adopt rules for the admission, suspension, removal and discipline of the members, officers and employees of the fire department, may prescribe their powers and duties, and fix their compensation.

6. Has the control and supervision of the members, officers and employees of the department, may direct their conduct at fires, and prescribe methods for extinguishing fires.

7. May appoint persons other than members or officers of the department to take charge of the property of the department, and may fix their compensation.

8. May inquire into the cause and origin of fires, occurring in the village, and may take testimony in relation thereto.

§ 109. **Ordinances.**—The board of fire commissioners may adopt ordinances for the following purposes:

1. To protect and preserve the property and apparatus of the department.

2. To prevent danger from fires and to protect property exposed to destruction or injury by fire.

3. To provide for pulling down, blowing up and the removal of buildings and property to arrest the progress of fires or extinguish the same. The board may enforce observance of such ordinances by the imposition of penalties.

§ 110. **Organization of companies.**—The board of fire commissioners may organize and maintain fire, hose, protective and hook and ladder companies whenever in its judgment the public interest require by appointing a sufficient number of suitable persons as members thereof, respectively, not exceeding sixty to each fire company, forty to each hook and ladder company, and

thirty to each hose or protective company. Vacancies shall be filled by the board of fire commissioners upon nomination by the company. No new appointment shall be made to a company, unless the number of members thereof shall be less than the number hereby limited. The board of fire commissioners may, by resolution, consent to the incorporation of any of the companies so organized by them, or may consent to the incorporation or the organization without incorporation of as many companies, voluntarily organized in said village as may be deemed necessary.

§ 111. **Incorporation of fire department.**—The members of the several fire engine, hook and ladder and separate hose companies of the village, not exceeding sixty members for each engine company, forty members for each hook and ladder company and thirty members for each separate hose company, and their successors, shall constitute a corporation by the name of "Oswego Falls Fire Department." The term "fire department" as used in this act refers to such corporation.

§ 112. **Annual report of fire commissioners.**—Between the first and fourth day of March in each year, the board of fire commissioners shall file with the village clerk a report, containing a statement of the following facts.

1. The amount of money on hand at the beginning of the preceding fiscal year and the receipts from all sources during such year.

2. An itemized statement of the amount paid out during such year, and the balance on hand.

3. The outstanding indebtedness of the department, either bonded or otherwise, separately stated.

4. A statement of the principal or interest which will become due during the current fiscal year on bonds or certificates of indebtedness.

5. The improvements made during such preceding year, and the general condition of the property of the fire department.

6. Such other facts as the board deems important for the interest of the village, together with such recommendations concerning the department as may be deemed proper.

§ 113. **Election of company officers and delegates.**—Each of the several companies whose members constitute the fire department of the village shall hold an annual meeting on the first Tuesday in April in each year. At such meeting the members of each com-

pany shall elect by ballot from their number a foreman and an assistant foreman who must be approved by the board of fire commissioners, two wardens and three delegates to the general convention of the fire department. The terms of office of the foreman, assistant foreman and wardens shall be one year, respectively, and any vacancies occurring in such offices shall be filled by election in like manner.

§ 114. **Chief engineer and assistant engineers.**—The chief engineer and the first and second assistant engineers of the fire department shall each be a member thereof and an elector of the village. The delegates elected to the general convention of the fire department shall meet at the council room thereof on the Thursday following the first Tuesday in April and nominate a person for each of such offices. But the fire commissioners of the village may adopt a rule requiring all such nominations to be made on that day by vote of the duly qualified members of the department, in which case the meeting of the delegates in general convention as provided for in this section, shall be dispensed with. The person acting as secretary of such convention shall forthwith file in the office of the village clerk a certificate of such nominations. The board of fire commissioners at its next meeting shall consider the nominations and appoint such persons as it may approve to the offices to which they are respectively nominated. If a nomination is not approved, the board shall appoint a qualified person to such office.

§ 115. **Members of the council not to be employees.**—No member of the council shall be an employee of the fire department, or interested in any contract relating to matters over which the council has any control.

§ 116. **Council of fire department.**—If the village have no separate board of fire commissioners, the chief engineer, the assistant engineers and the wardens of the several companies constitute the council of the fire department. The council shall meet on the third Tuesday in April in each year and choose from its own number a secretary, a treasurer and a collector of the fire department, who shall hold their respective offices for one year unless sooner removed by the council. A vacancy in the office of secretary, treasurer or collector shall be filled by the council at its next meeting for the balance of the unexpired term. Two-thirds of the members of such council shall constitute a quorum, and may make

and prescribe by-laws for the proper management of the affairs and the disposition of the funds of the fire department, may call meetings of the members, and designate one or more days in each year for public exercise, inspection and review.

§ 117. **Meetings of fire department.**—The members of the several companies constituting the fire department, shall hold a general meeting at the council room or at such other place as the council may direct, on the first Friday following the first Tuesday in April of each year, at half past seven o'clock in the afternoon to hear the annual report of the secretary and treasurer, and to transact any other proper business of the fire department. If a meeting or election of the fire department shall not be held on the day fixed by this article, therefor, the corporation shall not on that account be dissolved, but the meeting or election may be held on a subsequent day in accordance with its by-laws.

§ 118. **Duties of chief engineer and assistants.**—The chief engineer shall be president of the council and of the meetings of the fire department. He shall, under the direction of a separate board of fire commissioners, if any, have exclusive control of the members at all fires, inspections and reviews, the supervision of the engines, hose and other apparatus owned by the village for the prevention or extinguishment of fires, of all property owned by the fire department, and of all officers and employees thereof elected or employed by the council or by a separate board of fire commissioners, if any. He shall whenever required by the board of fire commissioners, or the board of trustees, report to the board the condition of the property of the department and such other information respecting the department as may be required. He shall hold the members, officers and employees of the department strictly to account for neglect of duty, and may if there be no separate board of fire commissioners, suspend or discharge them at any time, subject to the approval of two-thirds of the members of the council at the next meeting. He may at any time, call out a portion or the whole of the department for public exercise, review or practice. He shall, upon application, and if authorized by the council or the board of fire commissioners, issue through the secretary of the fire department, a certificate of the time of service of a member of the fire department, and shall give to each officer of

the department immediately after his election a certificate thereof, countersigned by the secretary. In case of the inability or absence of the chief engineer, the first assistant engineer, and in case of the absence or inability of both the chief engineer and first assistant, the second assistant engineer shall perform the duties and have all the powers of the chief engineer.

§ 119. **General exemptions of firemen.**—A full term of service in the fire department is five successive years. A person who has served in the fire department, after becoming eighteen years of age, shall be entitled to a certificate of such service, signed by the chief engineer and the secretary of the fire department, under the seal of the department, or by a majority of the members of the board of fire commissioners. Such certificate shall be presumptive evidence of the facts stated therein. A member of a fire department who removes from the village shall be allowed, as part of a full term, the time he has served continuously as fireman therein, if, within three months thereafter he becomes a member of the fire department of another village or city; and, upon completing a full term, shall be entitled to all the privileges and exemptions secured to firemen.

ARTICLE VIII.

WATER.

Section 120. **Board of water commissioners.**—The board of trustees may, and upon the petition of thirty electors qualified to vote upon a proposition shall, appoint three commissioners to take charge of the erection and building of a new system of water works, or the acquisition of an existing system, as a board of water commissioners, as hereinafter provided, which commissioners shall determine by lot their terms of service; one of whom shall serve for one official year, one for two official years, and one for three official years from and after the next annual election. The successors of the commissioners so appointed shall be appointed by the board of trustees, at each annual meeting held nearest to the time for the expiration of the term of service of each commissioner, to hold their office for three years. No commissioner shall be eligible to such office unless he be a resident, legal voter and a holder of real estate in fee simple in his own name, assessed to him on the last assessment-roll of the village. Each commissioner so appointed shall, before acting as such com-

missioner, take the oath of office and file with the clerk of the county a bond with two or more sureties in the penal sum of five thousand dollars, conditioned for the faithful performance of his duties as such commissioner, said bond to be approved by the county judge of the county, or by the board of trustees and a copy thereof to be immediately filed with the village clerk.

§ 121. **Contracts for water supply.**—The board of water commissioners may contract, in the name of the village, with an individual or corporation for supplying water to the village, for extinguishing fires or for other public purposes; but such contract shall not be made for a longer period than five years nor at an expense for each fiscal year exceeding two and one-half mills on every dollar of the taxable property of the village, as appears on the last preceding village assessment-roll, unless authorized at a village election. The amount of such contract shall be paid in quarterly installments, commencing with the date of the contract.

§ 122. **Election for water works.**—A proposition may be submitted at a village election for the establishment of a system of water works for supplying the village and its inhabitants with water, or for the acquisition of an existing private system, at an expense in either case not exceeding the sum stated in the proposition.

§ 123. **Acquisition of existing system.**—If a proposition be adopted for the acquisition of an existing system of water works, the board of water commissioners may purchase the same at a price not exceeding the sum specified therein. If the board cannot agree with the owners of the system for its purchase, proceedings may be taken to acquire the same by condemnation. If the value thereof fixed by the commissioners appointed in the condemnation proceedings be greater than the sum specified in the proposition, such proceedings must be discontinued, unless the payment of the additional amount be authorized at a village election. If the proceedings be so discontinued, the costs and disbursements of the defendants therein are a charge against the village.

§ 124. **Establishment of water works.**—If a proposition to establish a system of water works be adopted, the board of water commissioners shall proceed to construct such system accordingly. It shall prepare a map and plans, showing the sources of water supply and a description of the lands, streams, water or water

rights to be acquired therefor, and the mode of constructing the proposed water works and the location thereof, including reservoirs, mains, distributing pipes and hydrants. The water commissioners, their agents, servants and employees may enter upon any lands for the purpose of preparing such map and plans. The map and plans shall be filed with the village clerk and a certified copy of such map shall also be filed in the county clerk's office of the county. The board of water commissioners may acquire, in the name of the village, by purchase, if it can agree with the owners, or otherwise by condemnation, any land, streams, water or water rights, necessary for such system. The board may amend the map and plans at any time and such amended map shall be filed in the office of the village clerk and of the county clerk in like manner as the original. The board may construct such water system by contract or otherwise, and may appoint and at pleasure remove a superintendent to take charge of the system, and may fix his compensation.

§ 125. *Supervision and extension of the system.*—A system of water works, acquired or established under this article, shall be under the control and supervision of the board of water commissioners. The board shall keep it in repair and may, from time to time, extend the mains or distributing pipes, if the expense thereof in any year shall not exceed one thousand dollars. If the estimated expense will exceed the above amount, such extension can only be made when authorized by a proposition adopted at an election.

§ 126. *Acquisition of additional water rights.*—A proposition may be submitted at a village election, to authorize the board of water commissioners to acquire additional water or water rights, or to construct additional reservoirs, at an expense not exceeding the sum specified therein. If adopted, such improvement shall be made accordingly. For that purpose, the board has the same power and is subject to the same duties and liabilities as in the construction of the original system of water works.

§ 127. *Water pipes in highways outside of village.*—The board of water commissioners of the village may cause water pipes to be laid, re-laid or repaired under any public highway in the county or in an adjoining county for the purpose of introducing water into and through the village and shall cause the surface of such highway to be restored to its usual condition.

§ 128. **Connections with mains.**—Supply pipes connecting with mains and used by private owners or occupants shall be laid and kept in repair at their expense. Such pipes can only be connected with the mains by the permission and under the direction of the board of water commissioners. A member of the board or its authorized agent may at any time enter a building or upon premises where water is used from supply pipes, and may make necessary examinations.

§ 129. **Ordinances.**—The board of water commissioners may adopt ordinances, not inconsistent with law, for enforcing the collection of water rents and relating to the use of water and may enforce the observance thereof, by cutting off the supply of water, or by the imposition of penalties.

§ 130. **Establishment of water rents.**—The board of water commissioners shall establish a scale of rents for the use of water, to be called "water rents," and to be paid at such times as the board may prescribe. Such rents shall be a lien on the real property upon which the water is used.

§ 131. **Assessment for fire protection.**—A building and the lot upon which it stands, in or on which water from the water works is not used, situated within five hundred feet of a hydrant may be assessed by the board of water commissioners for fire protection. Notice of the proposed assessment and that the board will meet at a time and place specified therein to hear objections thereto, must be served upon the owner or occupant of the building at least ten days before such meeting. The board shall meet at the time and place specified in the notice, and after hearing objections, shall complete the assessment. Upon the completion of the assessment, the board shall make a certificate thereof and deliver the same to the village treasurer. The treasurer may receive such assessments for thirty days without fee; after that action may be brought to recover the assessment or a special warrant may be issued therefor or the amount may be included in the next annual tax levy.

§ 132. **Reservoirs.**—In the construction of a storage reservoir connected with the system of water works, all vegetable or other matter subject to decay shall be removed from the banks thereof between its highest and lowest possible flow line, or such space be covered with gravel or stone to prevent such decay.

§ 133. **Supplying water outside of corporate limits.**—The board of water commissioners may sell to a corporation or individual

outside of the village the right to make connections with the mains for the purpose of drawing water therefrom, and fix prices and conditions therefor. If the mains are or shall be laid in or through another municipal corporation not having a public system of water works, the board of water commissioners may itself lay additional pipes for the purpose of distributing water from such mains, and shall have the same rights in the streets or highways of such other municipal corporation as if the principal system were established therein. The board shall not sell or permit the use of water under this section, if thereby the supply for the village or its inhabitants will be insufficient.

§ 134. **Outside extension of mains.**—A proposition to extend water mains outside of the village may be submitted at an election. Such proposition shall contain a general description of the proposed extension and the estimated expense thereof. If the proposition be adopted, the board of commissioners shall make the extension accordingly. For that purpose, the board shall have the same powers and be subject to the same duties and liabilities as in the construction of the original system of water works.

§ 135. **Contracts with other municipalities.**—If the mains are or shall be laid into or through a town, another village or a fire district in an incorporated village, the board of water commissioners may contract with the town board, the board of trustees, or the water commissioners thereof, respectively, to furnish water for the extinguishment of fires or for sanitary purposes. Such contract shall not be for a longer period than five years, nor shall the amount agreed to be paid in one year exceed two and one-half mills for every dollar of the taxable property in such town, village or fire district. The amount payable each year by such contract shall be raised as a part of the expenses of such town, village or fire district, and paid to the treasurer of the village owning such system of water works.

§ 136. **Annual report of water commissioners.**—Between the first and fourth day of March in each year, the board of water commissioners shall file with the village clerk a report containing a statement of the following facts:

1. The amount of money on hand at the beginning of the preceding fiscal year, and the receipts from all sources during such year.

2. An itemized statement of the amount paid out during such year and the balance on hand.

3. The outstanding indebtedness of the department, either bonded or otherwise, separately stated.

4. The estimated deficiency in the amount necessary to pay principal or interest, or the expenses of the department during the next fiscal year after applying thereto the probable amount of water rents or other income to be received and any amount available from the sinking fund.

5. The improvements or extensions made during such preceding year and the general condition of the water works.

6. Such other facts as the board deems important for the information of the village together with such recommendations concerning the department as may be deemed proper.

ARTICLE IX.

LIGHT.

Section 137. Board of light commissioners.—The water commissioners of the village shall also be the board of light commissioners.

§ 138. Contracts for lighting.—The board of light commissioners may contract, in the name of the village, with an individual or corporation, for lighting the streets, public grounds and public buildings of the village by gas, electricity or other substance; but such contract shall not be made for a longer period than five years, nor at an expense for each fiscal year exceeding two and one-half mills on every dollar of taxable property of the village, as appears on the last preceding village assessment-roll, unless authorized at a village election. The amount of such contract shall be paid in semi-annual installments, commencing with the date of the contract.

§ 139. Election for lighting system.—A proposition may be submitted at a village election for the establishment of a system for supplying the village and its inhabitants with light by any approved method, or for the acquisition of an existing private system, at an expense in either case not exceeding the sum stated in the proposition.

§ 140. Acquisition of existing private system.—If a proposition be adopted for the acquisition of an existing private lighting

system, the board of light commissioners may purchase the same at a price not exceeding the sum specified therein. If the board cannot agree with the owners of the system for its purchase, proceedings may be taken to acquire the same by condemnation. If the value thereof fixed by the commissioners appointed in the condemnation proceedings, be greater than the sum specified in the proposition, such proceedings must be discontinued, unless the payment of the additional amount be authorized at a village election. If the proceedings be so discontinued, the costs and disbursements of the defendant therein are a charge against the village.

§ 141. **Establishment of lighting system.**—If a proposition to establish a lighting system be adopted, the board of light commissioners shall proceed to construct such system accordingly. It shall prepare a map and plans of such system, indicating the streets and localities in the village to be supplied with light thereby, and shall file the same in the office of the village clerk. The board of light commissioners may acquire, in the name of the village, by purchase, if it can agree with the owners, or otherwise by condemnation any land necessary for such system. The board may amend the map and plans at any time and such amended map shall be filed in the office of the village clerk in like manner as the original. The board may construct such lighting system by contract or otherwise.

§ 142. **Supervision and extension of system.**—The lighting system acquired or established under this article shall be under the control and supervision of the board of light commissioners. The board shall keep it in repair and may, from time to time, if it has sufficient funds, extend such system, if the expense thereof in any year will not exceed five hundred dollars. If the estimated expense will exceed five hundred dollars, such extension can only be made when authorized by a proposition adopted at an election.

§ 143. **Gas pipes, poles and wires, in highways outside of village.**—The board of light commissioners may cause gas pipes to be relaid or repaired under, or poles and wires to be erected, maintained and repaired in and upon, any public highway in the county, in which said village is situated, or in an adjoining county for the purpose of introducing gas or electricity or other lighting substance into and through the village.

§ 144. **Connections with mains.**—Supply pipes and wires connecting with mains and used by private owners or occupants, shall be laid or erected and kept in repair at their expense. Such pipes and wires can only be connected with the mains by permission and under the direction of the board of light commissioners. A member of the board or its authorized agent may at any time enter a building, or upon premises, connected with the village mains, and make necessary examinations.

§ 145. **Supplying light outside of corporation limits.**—The board of light commissioners may grant to a corporation or individual, outside of the village, the right to make connections with the mains or wires, for the purpose of using gas, electricity or other lighting substance therefrom, and fix the prices and conditions therefor. If the mains or wires shall be laid in or through another municipal corporation, not having a public system of lighting, the board of light commissioners may itself provide additional pipes, mains and wires for the purpose of distributing gas, electricity or other lighting substance, and shall have the same rights in the streets or highways of such other municipal corporation, as if the principal system were established therein. The board shall not sell or permit the use of gas, electricity or other lighting substance under this section, if thereby the supply for the village or its inhabitants will be insufficient.

§ 146. **Outside extension of mains or wires.**—A proposition to extend gas mains or wires outside the village may be submitted at an election. Such proposition shall contain a general description of the proposed extension and the estimated expense thereof. If the proposition be adopted, the board of light commissioners shall make the extension accordingly. For that purpose the board shall have the same powers and be subject to the same duties and liabilities as in the construction of the original system of lighting.

§ 147. **Contracts with other municipalities.**—If the mains or wires are or shall be laid into or through a town, another village or a light district in an incorporated village, the board of light commissioners may contract with the town board, the board of trustees, or the light commissioners thereof, respectively, to furnish light therefor. Such contract shall not be for a longer period than five years nor shall the amount agreed to be paid in any one year exceed two and one-half mills for every dollar of taxable property in such town, village or light district. The amount pay-

able each year by such contract shall be raised as a part of the expenses of such town, village or light district, and be paid to the treasurer of the village owning such system of lighting works.

§ 148. **Ordinances.**—The board of light commissioners may adopt ordinances, not inconsistent with law, for enforcing the collection of light rents and relating to the use of light and may enforce observance thereto, by cutting off the supply of light or by the imposition of penalties.

§ 149. **Establishment of light rents.**—The board of light commissioners shall establish a scale of rents for the use of light, to be called "light rents," and to be paid at such times as the board may prescribe.

§ 150. **Annual report of light commissioners.**—Between the first and fourth day of March in each year, the board of light commissioners shall file with the village clerk a report, containing a statement of the following facts:

1. The amount of money on hand, at the beginning of the preceding fiscal year, and the receipts from all sources during such year.

2. An itemized statement of the amount paid out during such year, and the balance on hand.

3. The outstanding indebtedness of the department, either bonded or otherwise, separately stated.

4. The estimated deficiency in the amount necessary to pay the principal or interest or the expenses of the department during the next fiscal year, after applying thereto the probable amount of light rents to be received and any amount available from the sinking fund.

5. The improvements and extensions made during such preceding fiscal year, and the general condition of the lighting system.

6. Such other facts as the board deems important for the information of the village, together with such recommendations, concerning the department as may be deemed proper.

ARTICLE X.

SEWERS.

§ 151. **Board of sewer commissioners.**—The board of trustees may, and upon the petition of thirty electors qualified to vote upon a proposition, shall appoint three commissioners to establish and

maintain a sewer system, as a board of sewer commissioners, as hereinafter provided, which commissioners shall determine by lot their terms of service; one of whom shall serve for one official year, one for two official years, and one for three official years, from and after the next annual election. The successors of the commissioners so appointed shall be appointed by the board of trustees, at each annual meeting held nearest to the time for the expiration of the term of service of each commissioner, to hold their office for three years. No commissioner shall be eligible to such office, unless he be a resident, legal voter and an owner of real estate in fee simple in his own name, assessed to him on the last assessment-roll of the village. Each commissioner so appointed shall, before acting as such commissioner, take the oath of office and file with the clerk of the county, a bond, with two or more sureties in the penal sum of ten thousand dollars, conditioned for the faithful performance of his duties as such commissioner, said bond to be approved by the county judge of the county, or by the board of trustees, and a copy thereof thereafter filed with the village clerk.

§ 152. **Establishment of sewer system.**—The board of sewer commissioners of the village may establish and maintain a sewer system therein. Before taking any proceedings for the construction of a sewer, the board, at the expense of the village, shall cause a map and plans of a permanent sewer system for such village to be made, with specifications of dimensions, connections and outlets or sewerage disposal works. Such map and plans shall be submitted to the state board of health for its approval, and if approved shall be filed in its office. A copy thereof shall also be filed in the office of the village clerk. The map and plan may be amended with the approval of the state board of health, and if amended shall be filed in the same office as the original.

§ 153. **Construction of sewer at expense of village.**—Upon the adoption of a proposition therefor, the whole or any part of the sewer system may be constructed at the expense of the village. The proposition shall describe the portion of the system proposed to be so constructed, and shall also contain a statement of the estimated maximum and minimum cost thereof.

§ 154. **Construction of sewer at joint expense of village and property benefited.**—Upon the adoption of a proposition therefor, the whole or any part of the sewer system may be constructed at

the joint expense of the village and of the property benefited. The proposition shall describe the portion of the system proposed to be so constructed, shall contain a statement of the estimated maximum and minimum cost thereof and also of the proportion of the expense to be assessed upon the village at large, and the aggregate proposition to be assessed upon the property benefited. If the proposition be adopted such aggregate proportion shall be equitably adjusted with reference to the benefits to be derived therefrom.

§ 155. **Construction of sewers, wholly at expense of property benefited.**—The owners of two-thirds of the entire frontage of the portion of a street or streets in which a sewer is proposed to be constructed may present to the board of sewer commissioners a petition for the construction of such a sewer. The board shall cause a notice of at least ten days to be given to each person owning land fronting on such portion of such street or streets, of a time and place where it will meet and hear persons interested in the construction of such sewer. After such hearing the board may grant the petition in whole or in part, and shall construct a sewer as ordered, and assess the entire expense thereof upon the property benefited. Where such petition is for the construction of a sewer through different streets, such sewer shall be deemed one sewer, and such streets, one continuous street for the purposes of this section. A petition under this section may limit the maximum amount of the expense to be incurred in the construction of such sewer.

§ 156. **Acquisition of property by condemnation.**—If the board of sewer commissioners is unable to agree with the owner for the purchase of real property necessary for the sewer system, it may acquire the same by condemnation.

§ 157. **Contracts for construction of system.**—The board of sewer commissioners of the village, when authorized to construct the whole or any part of a sewer system, shall advertise for proposals for the construction thereof, either under an entire contract, or in parts or sections, as the board may determine. Such advertisement shall be published once in each of two successive weeks in the official paper, and in such other papers as the board may determine. The board may require a bond or a deposit from the person submitting a proposal, the liability of such bond to

accrue or such deposit to be forfeited to the village, in case such person shall refuse to enter into a contract in accordance with his proposal. The board may accept or reject any proposal, may contract with other than the lowest bidder, or may reject all proposals and advertise again. No contract shall be made by which a greater amount shall be agreed to be paid, than the maximum stated in the proposition or in the petition for the construction of such sewer.

§ 158. **Supervising engineer; inspectors.**—The board of sewer commissioners may employ a supervising engineer to superintend and inspect the construction of any sewer or works connected therewith, and also such inspectors as may be necessary and fix the compensation of such engineer and inspectors. Such compensation shall be treated as a part of the expense of construction.

§ 159. **Apportionment of local assessment.**—If the whole or any part of the expense of constructing a sewer is to be assessed upon the lands benefited, the board of sewer commissioners shall prepare and file in the office of the village clerk, a map and plan of the proposed area of local assessment. Such expense shall thereupon be apportioned upon the lands within such area in proportion, as nearly as may be to the benefit which each lot or parcel will derive therefrom, and the ratio of such benefit shall be established. After making such apportionment the board shall serve upon each land owner a notice thereof and of the filing of such map and plans, and that at a specified time and place a hearing will be had to consider and review the same. Such notice must be served at least six days before the meeting. The board shall meet at the time and place specified and hear objections to such apportionment. It may modify the same, or exclude land from the area of local assessment. The board of sewer commissioners, upon the completion of such apportionment, shall file the same in the office of the village clerk. The apportionment shall be deemed final and conclusive, unless an appeal be taken therefrom within fifteen days after the filing thereof.

§ 160. **Appeal from apportionment.**—A person aggrieved by an apportionment may, within fifteen days after the filing thereof, appeal therefrom to the county court of a county in which any part of the village is situated. Such appeal shall be taken by a

notice, stating the grounds thereof, addressed to the board of sewer commissioners, and filed with the village clerk.

§ 161. **Hearing of appeal.**—Either party may bring on the appeal upon a notice of not less than ten nor more than twenty days. All appeals from the same apportionment must be consolidated and heard as one appeal. The county court may affirm or reverse the apportionment. If it be reversed upon the ground that it is erroneous, unequal or inequitable, the court shall by the order of reversal, appoint three disinterested freeholders of the village as commissioners to make a new apportionment and no appeal shall be allowed from such order.

§ 162. **Re-apportionment.**—A re-apportionment shall be made in the following cases:

1. By the commissioners appointed by the county court, where the original apportionment is reversed on the ground that it is erroneous, unequal or inequitable.

2. By the board of sewer commissioners, where the original apportionment is reversed upon any other ground. A re-apportionment under this subdivision shall be made in like manner as the original.

§ 163. **Procedure by new commissioners.**—The commissioners appointed by the county court shall give notice of the time and place at which they will meet to make such re-apportionment, and shall serve notice thereof at least ten days before such meeting upon each owner of land within the area of local assessment as finally fixed by the board of sewer commissioners. They shall meet at the time and place specified and make such re-apportionment in the manner herein prescribed for the board of sewer commissioners. They shall file such re-apportionment in the office of the village clerk, and it shall be final and conclusive.

§ 164. **Fees of commissioners.**—Each commissioner appointed by the county court is entitled to five dollars for each day necessarily spent in making such re-apportionment, besides his actual necessary expenses. Such fees and expenses are a charge against the village and must be audited by the board of trustees. The amount thereof shall be added to the portion of the expense of constructing such sewer or sewer system which is to be assessed against property specially benefited.

§ 165. **Expense of construction; how raised.**—The expense of constructing a sewer or a sewer system may be raised in an en-

ture amount or in smaller sums from time to time as the board of sewer commissioners may determine. If any portion of such expense is to be borne by the village, bonds or certificates of indebtedness may be issued therefor. If such expense or any part thereof is to be assessed upon property benefited, the board may assess the same, or the installment to be raised, on the several benefited lots or parcels in accordance with the apportionment and ratio established under this article. Notice of such assessment shall be given to the owners who may pay the amounts assessed within ten days after the service of such notice. At the expiration of such time, bonds or certificates of indebtedness may be issued for the aggregate amount of such assessment then remaining unpaid.

§ 166. **Tax for unpaid assessments.**—The board of trustees shall include in the annual tax levy, the principal or interest accruing during the same fiscal year upon bonds or certificates of indebtedness issued on account of default in the payment of local assessments under this article, and shall levy the same upon the lots or parcels in default. Such principal shall be apportioned among the lots or parcels in default so that the tax thereon will be the same as if an equal portion of the assessment were then to be paid. Interest on an unpaid assessment shall be added to such tax at the rate payable by the bond or certificate of indebtedness which must be computed to the time when the principal or an installment will become due; or if no principal will become due during the fiscal year then the interest accruing during that year upon the assessment must be levied upon such lot or parcel.

§ 167. **Expense of maintenance.**—The expense of the maintenance, repair and alteration of the sewer and works connected therewith of said village shall be a charge upon said village and be paid by the treasurer thereof upon the order of the board of sewer commissioners, signed by the president and countersigned by the clerk thereof.

§ 168. **Annual report of sewer commissioners.**—Between the first and fourth day of March in each year, the board of sewer commissioners shall file with the village clerk a report containing a statement of the following facts:

1. The amount of money on hand at the beginning of the preceding fiscal year, and the receipts from all sources during such year.

2. An itemized statement of the amount paid out during such year, and the balance on hand.

3. The outstanding indebtedness of the department, either bonded or otherwise, separately stated.

4. A statement of the principal or interest which will become due, during the current fiscal year on bonds or certificates of indebtedness.

5. Improvements and extensions made during such preceding year, and the general condition of the sewer system.

6. The estimated amount necessary for the maintenance and repairs of the sewers of said village for the next fiscal year.

7. Such other facts as the board deems important for the information of the village together with such recommendations, concerning the department, as may be deemed proper.

ARTICLE XI.

MISCELLANEOUS PROVISIONS.

Section 169. Enumeration.—An enumeration of the inhabitants of the village shall be taken under the direction of the board of trustees in the month of January, nineteen hundred and two, and in the same month in each fourth year thereafter. The enumeration must show the full name of each person, the town in which he resides, and whether he is over or under twenty-one years of age. The persons taking such enumeration shall attach thereto a tabulated statement showing the whole number of inhabitants as appears by the enumeration, the number residing in each town in which any part of the village is situated, the number over and the number under twenty-one years of age. Such enumeration must be signed by the persons taking it and filed with the village clerk on or before the twentieth day of January. The board of trustees must immediately cause a notice to be published in the official paper, and posted in at least five conspicuous public places in the village, stating that such enumeration has been taken and filed in the office of the village clerk, and that the board will meet at a time and place specified in such notice, which time must not be less than three nor more than six days after the filing of such enumeration, to hear all objections thereto and to correct and revise the same. The board of trustees shall meet accordingly and after hearing all objections, shall finally correct the enumeration

and cause it to be filed in the office of the village clerk, on or before the first day of the following February. The village clerk shall, within one week thereafter, transmit to the clerk of the county, in which the village is situated, and to the secretary of state, a certificate of the total population of the village as appears from such enumeration.

§ 170. Books and papers to be open to inspection.—All books, papers and records of every kind relating to village affairs, kept by any board or officer, shall be open to inspection at all reasonable hours by every inhabitant of the village.

§ 171. Notice; how served.—Service of a notice under this act must be personal, if the person to be served can be found in the village, otherwise the notice may be served personally or by mail by depositing a copy thereof in the postoffice of the village, addressed to such person at his last known place of residence. The provisions of the code of civil procedure, relating to the service of a summons in an action in the supreme court, except as to publication, apply, as far as practicable, to the service of notices under this act. If a person to be served cannot with due diligence be found in the village where personal service is required, or his last known place of residence cannot be ascertained, the county judge of the county in which the village is situated may, by order, direct the manner of such service, and service shall be made accordingly. A service on one of two or more joint tenants or tenants in common shall be sufficient notice to all for any purpose requiring a notice under this act.

§ 172. Notice; proof of posting.—Whenever by this act or by a rule, by-law or ordinance made in pursuance thereof, a notice or ordinance is authorized or required to be posted, an affidavit thereof by the person posting the same is presumptive evidence of such posting.

§ 173. Officer not to be interested in contract.—An officer shall not be directly or indirectly interested in a contract which he or a board of which he is a member is authorized to make on behalf of the village, nor in furnishing work or materials; nor shall such officer act as such in any matter or proceeding, involving the acquisition of real property then owned by him for a public improvement.

§ 174. Liability on unlawful contracts.—An officer or person who assumes to create a liability or appropriate money or prop-

erty of the village without authority of law, or assents thereto, is personally liable for such debt, or to the village for such money or property. Each member of a village board present at a meeting thereof when such unlawful action is taken is deemed to have assented thereto, unless he expressly dissents and requests such dissent to be entered upon the minutes of the meeting. The village is not liable upon a contract made by an officer or a board in the name or on behalf of the village, unless it is authorized by law.

§ 175. Competency of inhabitants as justices or jurors; undertakings not required by village.—In an action brought by or against the village it shall not be an objection against a person acting as justice or juror in such action, that he is a resident of the village or subject to taxation therein. It shall not be necessary for the village to give a bond, undertaking or security to appeal nor to obtain a provisional remedy, or to take or prevent any other proceeding; but the village shall be liable to the same extent as if it had given the bond, undertaking or security otherwise required by or in pursuance of law.

§ 176. Boards may take testimony.—The board of trustees or the board of fire, water, light or sewer commissioners may take testimony in a proceeding pending before it. The village clerk or any member of the board of trustees may administer oaths and take affidavits upon any claim or account against the village.

§ 177. Woman may institute proceedings.—Where a right is granted by this act to institute a proceeding, make an application, present a petition, or take an appeal, such right may be exercised by an adult resident woman who owns property assessed upon the last preceding assessment-roll of the village.

§ 178. Security by contractors.—All contracts under this act must be in the name of the village and the contractor must give adequate security to be approved by the officer or board with whom the contract is made.

§ 179. Arrest of disorderly persons.—A disorderly person under this act is subject to arrest, with or without process. A member of the police department or a police officer may arrest a disorderly person without process for a violation of a village ordinance, committed in his presence. An officer making an arrest under this section shall immediately take the person arrested before the police justice of the village or a justice of the peace having juris-

diction, if such magistrate can be found, if not, he may detain the person arrested until such magistrate be found, not exceeding twenty-four hours. Unless the violation complained of is also a crime subject to indictment, the magistrate shall proceed forthwith to hear, try and determine such complaint, or may adjourn the hearing not to exceed five days, and in the meantime commit the offender to the lock-up or place of confinement or county jail until such day or suffer him to go at large, on executing a bond for his appearance on the adjourned day. On conviction the magistrate shall impose the penalty prescribed by the ordinance, and may also require the defendant to pay the costs of the proceeding. Unless the penalty and the costs, if imposed, be paid upon the conviction, the magistrate shall commit the defendant to the county jail of the county in which the village is situated for a term not exceeding one day for each dollar of the penalty imposed.

§ 180. *Action to recover penalties.*—An action may be maintained by the village to recover a penalty imposed for the violation of an ordinance, and in such action an order of arrest may be issued and executed in the manner described by the code of civil procedure for orders of arrest in justices' court. In such action it shall be lawful to declare or complain generally for such penalty, stating the section of this act or the ordinance, under which the penalty is claimed and briefly setting forth the alleged violation. If the defendant in such action has no property out of which the judgment can be collected, the execution shall require him to be imprisoned in the county jail of the county in which the village is situated for a term of twenty days.

§ 181. *Discontinuance of action.*—If in an action brought by the village to recover a penalty for the violation of an ordinance, it appears from the complaint or by the affidavit upon which an order of arrest is granted, that the person committing such violation is a disorderly person under this act, the magistrate may, upon the appearance of such person before him, by an order to be entered in his minutes, direct that all subsequent proceedings be taken in the same manner as if such person had been arrested without process as a disorderly person. Such subsequent proceedings shall be taken accordingly, and the action shall be thereupon discontinued.

§ 182. *County court always open.*—The county court is always open for the hearing of an application or appeal under this act.

§ 183. **Location of hospitals and pest houses.**—A building or tent of the village shall not be used, occupied or maintained as a hospital or pest house for the reception and care of public or private patients without the consent of the board of health of said village.

§ 184. **Execution of contracts, leases, et cetera.**—Leases, contracts and other instruments may be executed, when proper, under the corporate seal by the president of the village, substantially as follows:

THE VILLAGE OF OSWEGO FALLS.

By.....President.

By direction of the trustees.

Proof of the handwriting of the president and that he was such at the time the paper bears date is presumptive evidence of the due execution thereof. Notices and licenses may be subscribed by the officers authorized to give them, by their proper signature, adding thereto their designation of office.

§ 185. **Public streets.**—All the public streets in said village laid down on the several maps thereof, heretofore laid out or dedicated to public use, are hereby declared public highways.

§ 186. **Officers appropriating village funds.**—Any officer of the village who, by the provisions of this act, may receive any money raised or collected pursuant to its provisions, or under color or pretense thereof and who shall loan the same or otherwise appropriate the same to his own use or that of another, in violation of his duty, or shall refuse upon demand to deliver to his successor in office any money, books, papers or other property belonging to the village or shall refuse upon demand, to permit any inhabitant of the village to inspect any books, papers or records relating to village affairs, and belonging to the village, in his custody or under his control, shall be deemed guilty of a misdemeanor, and may be punished by fine or imprisonment, or both, as provided in the code of criminal procedure.

§ 187. **Commissioners not all to be of same political party.**—The appointment of fire, water, light and sewer commissioners authorized by this act shall be so made that not more than two of such commissioners, or any of said boards, in office at any one time, shall have been appointed from the members of the same political party.

§ 188. **Boards of commissioners to choose a president.**—Each board of commissioners shall annually elect one of their number to be president of such board.

§ 189. **Existing ordinances, et cetera.**—The existing ordinances, by-laws, resolutions and regulations of the board of trustees of the village, not inconsistent with this act, shall be and continue in force and have the same force and effect as if adopted and published or served by the board of trustees of said village according to the provisions of this act, until the same shall be repealed by said board of trustees.

§ 190. **Laws repealed.**—From and after the passage of this act, all laws relating to the village of Oswego Falls, heretofore enacted, are hereby repealed. But such repeal shall not affect any right vested or established or any suit, proceeding or prosecution had or commenced, or any assessment commenced or made and the tax to be collected thereunder previous to the passage of this act; but every such right, suit or prosecution, assessment and the collection of taxes thereunder, shall remain as valid and effectual and continue the same as if such previous act had remained in force. And all estates, real and personal, vested in or belonging to the village of Oswego Falls when this act shall take effect, shall continue to vest in and belong to the village.

§ 191. **Provisions of general village law not to apply.**—The provisions of chapter four hundred and fourteen of the laws of eighteen hundred and ninety-seven entitled, "An act in relation to villages," shall not apply to the village of Oswego Falls.

§ 192. **This act a public act.**—This act is hereby declared a public act.

§ 193. **When to take effect.**—This act shall take effect immediately.

Chap. 339.

AN ACT to amend the agricultural law, relative to the distribution of moneys to agricultural societies.

Became a law, April 9, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-eight of chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three, entitled "An act in relation to agriculture, constituting articles one, two, three, four and five, of chapter thirty-three of the general laws," as amended by chapter two hundred and forty-one of the laws of eighteen hundred and ninety-four, by chapter eight hundred and twenty of the laws of eighteen hundred and ninety-five, and by chapter four hundred and ninety-four of the laws of eighteen hundred and ninety-eight, and by chapter eighty-seven of the laws of nineteen hundred, is hereby amended to read as follows:

§ 88. Receipts and apportionment of moneys for the promotion of agriculture.—Of all moneys appropriated for the promotion of agriculture in any one year, twenty thousand dollars thereof shall be distributed in premiums by the New York State Agricultural Society; two thousand dollars thereof shall be paid to each of the agricultural societies, agricultural clubs, or agricultural expositions which shall have held annual agricultural fairs, or meetings, during each of the three years next preceding such appropriation, and which shall have paid at each of such annual fairs or meetings during such three years the sum of three thousand dollars as premiums for agricultural interests, exclusive of the premiums paid for trials or tests of speed, skill or endurance of man or beast, under the conditions and in the manner provided by section eighty-nine of this chapter. Seventy per centum of the balance of the amount so appropriated shall be apportioned and distributed among the various county agricultural societies, the American Institute in the City of New York, and any agricultural society which has received from the state funds no money except that set apart for or distributed to county agricultural societies, and thirty per centum thereof among the various town and other

agricultural societies, agricultural clubs or agricultural expositions entitled by this section to receive thirty per centum of the moneys received by the comptroller from the tax collected from the racing associations, corporations or clubs of the state. Such apportionment and distribution shall be made by the commissioner of agriculture in the following manner: One-half of the seventy per centum to be apportioned to such county agricultural societies, the American Institute in the City of New York and any agricultural society which has received from the state funds no money except that set apart for or distributed to county agricultural societies shall be apportioned and distributed equally and the remainder in proportion to the actual premiums paid during the previous year by such societies and institute exclusive of premiums paid for trials or tests of speed, skill or endurance of man or beast. If there is no county agricultural society in any county, or if the county agricultural society is not in active operation as such, then the town society or societies in such county or other agricultural societies in such county, except the New York State Agricultural Society, that would otherwise be entitled to share under the thirty per centum distribution referred to in this section, shall share jointly in the distribution of such money on the same basis as they would if they were a county agricultural society, provided such societies sustain a public fair with premium list, which premium list and reports of such societies shall be forwarded and made to the commissioner of agriculture. Of the thirty per centum to be distributed among the various town and other agricultural societies, clubs or expositions, one-third thereof shall be apportioned and distributed equally and the remainder in proportion to the premiums awarded and paid by said society, club or exposition for exhibits made at the annual fair upon the awards or premiums of which they seek a portion of the money to be distributed, exclusive of premiums paid for trials or tests of speed, skill or endurance of man or beast. No proportion of such amount shall be paid to any such society, club or exposition in which the actual amount paid by it as such premiums in the year preceding such proportionment is less than five hundred dollars. All revenues which have been or shall be received by the comptroller and not distributed as heretofore provided, and all moneys received by him from the tax collected from racing associations pursuant to chapter one hundred and ninety-seven of the laws of

eighteen hundred and ninety-four, and chapter five hundred and seventy of the laws of eighteen hundred and ninety-five, and all acts amendatory thereto, or hereafter otherwise collected from racing associations, corporations or clubs, shall constitute a fund, which shall be annually disbursed on behalf of the state for prizes for improving the breed of cattle, sheep and horses at the various fairs throughout the state as hereinafter prescribed. Thirty per centum of the funds so collected shall be disbursed by the commissioner of agriculture among the agricultural societies, agricultural clubs or agricultural expositions of the state, which had not, previous to May twenty-ninth, eighteen hundred and ninety-five, received appropriations from the state, other than appropriations that they received from the fund to be distributed to county societies from the fact that there was no county society in existence or in active operation within that county, as follows: One-third shall be apportioned and distributed equally and the remainder in proportion to the premiums awarded and paid by said society, club or exposition for exhibits made at the annual fairs upon the award or premiums of which they seek a portion of the money to be distributed, such sums shall only be paid to such societies which have received appropriations from the state previous to the passage of this act, and are now duly organized under the laws of the state of New York, and in active operation, or which shall have held fairs annually during each of the three years prior to May twenty-ninth, eighteen hundred and ninety-five, and which shall have paid, at their annual meetings or fairs during such three years, not less than one thousand dollars in the aggregate as premiums for agriculture, mechanical and domestic products, exclusive of the premiums paid for trials or tests of speed, skill or endurance of man or beast, and which shall have filed their report with the commissioner of agriculture on or before July first, eighteen hundred and ninety-five, as heretofore provided in chapter eight hundred and twenty of the laws of eighteen hundred and ninety-five. Seventy per centum of such funds shall be disbursed by the commissioner of agriculture among the various county agricultural societies throughout the state, the American Institute in the City of New York, and any agricultural society which has received from the state funds no money except that set apart or distributed to county agricultural societies, as follows: One-half shall be apportioned and

distributed equally, and the remainder in proportion to the premiums awarded and paid by said society, club or exposition, for exhibits made at the annual fair upon the awards or premiums of which they seek a portion of the money to be distributed, exclusive of premiums paid for trials or tests of speed, skill or endurance of man or beast. If there is no county agricultural society in any county, or if the county agricultural society is not in active operation as such, then the town society or societies in such county, or other agricultural societies in such county, except the New York State Agricultural Society, that would otherwise be entitled to share under the thirty per centum distribution referred to in this section, shall share jointly in the distribution of such money on the same basis as they would if they were a county agricultural society, provided such societies sustain a public fair, with premium list and reports of such societies shall be forwarded and made to the commissioner of agriculture, and any agricultural society which has received each year since its incorporation, money from the state of the same amount as if said society were the county society, shall continue to share in the funds the same as though it were actually the county society, on condition that it shall fulfill the provisions of this act as to holding fairs, paying premiums and filing reports, and any fair association which shall have received no money from the state funds except that distributed to county agricultural societies, and shall have held a fair as required by this act, shall receive from the funds apportioned to county agricultural societies in the same relative proportion as if it were actually the county society and shall share in any part of any year's fund set apart or retained from the money apportioned to agricultural societies for that year in the same relative amount as any county agricultural society shared in the agricultural society funds of that year, and such society shall hereafter be subject to all provisions of this act relating to county agricultural societies. All agricultural societies, agricultural clubs or agricultural expositions, entitled to receive any portion of the moneys appropriated by the state must hereafter, on or before the fifteenth day of December, in each year file a statement, duly verified by the president and treasurer, showing the amount of premiums paid at the last annual fair, exclusive of premiums paid for trials or tests of speed, skill or endurance of man or beast, which statement together with

vouchers for moneys paid as premiums shall be filed in the office of the commissioner of agriculture, otherwise such society, club or exposition shall forfeit its right to participate in the distribution of such moneys for premiums paid for such year. No proportion of such moneys shall be paid to any such society, club or exposition, in which the actual amount paid by it as such premiums in the year preceding such apportionment, is less than five hundred dollars. Any town or other agricultural society in a county in which there is no county agricultural society in active operation, and which according to the terms of this section, receives any portion of the seventy per centum of such funds apportioned to county agricultural societies, shall not receive any proportion of the thirty per centum of such funds. Any such society, club or exposition, receiving the sum of two thousand dollars under the provisions of section eighty-nine of this act, shall not receive any other portion of the money appropriated for the promotion of agriculture. Any such agricultural society, agricultural club, agricultural exposition, or agricultural fair association, organized under the laws of the state of New York, which shall fail or neglect to hold annual fairs and file their annual reports as provided by this law, with the commissioner of agriculture for two consecutive years, shall forfeit all of their chartered rights including any privileges or moneys they might thereafter otherwise be entitled to under this act. Any agricultural society, agricultural club or agricultural exposition which shall use, or permit the use of any gambling device, device, instrument or contrivance in the operation of which bets are laid or wagers made, wheel of fortune, or the playing or carrying on of any game of chance, upon the grounds used by it for, or during, an annual meeting, fair or exhibition, shall thereupon forfeit its right to any moneys it would or might be entitled to receive under the provisions of this act; and it shall be the duty of the president and secretary, or treasurer of every agricultural society, agricultural club or agricultural exposition entitled to receive money under the provisions of this act, to certify, in their annual report to the commissioner of agriculture executed under oath, on or before the fifteenth day of December in each year, that at the last annual meeting, fair or exhibition held by or under the direction of such society, club or exposition, it did not use or permit the use of, any gambling device, device, instrument or

contrivance in the operation of which bets were laid or wagers made, any wheel of fortune, or the playing or carrying on of any game of chance, upon the grounds used by it for, or during, such last annual meeting, fair or exhibition, which report shall be filed, not later than ten days after the date of its execution, in the office of the commissioner of agriculture. If the president and secretary or treasurer of any agricultural society, agricultural club or agricultural exposition, entitled to receive moneys under the provisions of this act, shall neglect or refuse to make and file such certificate, such society, club or exposition shall thereupon be deemed to have forfeited all its rights to any moneys it might otherwise be entitled to receive under this act, but this shall not be construed to prohibit horse racing or tests or trials of skill.

§ 2. This act shall take effect immediately.

Chap. 340.

AN ACT to repeal chapter one hundred and fifty-seven of the laws of eighteen hundred and seventy-three, entitled "An act to enable the electors of the town of Manchester, Ontario county, to hold their town elections in the separate election districts thereof."

Became a law, April 9, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter one hundred and fifty-seven of the laws of eighteen hundred and seventy-three, entitled "An act to enable the electors of the town of Manchester, Ontario county, to hold their town elections in the separate election districts thereof," is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 341.

AN ACT to provide for the completion of the state armory at Whitehall, New York, and making an appropriation therefor.

Became a law, April 9, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of six thousand two hundred dollars or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of completing and finishing the state armory at Whitehall, to be expended under the direction of the armory commissioners of this state; the work to be done and materials furnished, so far as practicable, upon contract to be entered into with the lowest responsible bidder, after suitable advertisement. The moneys hereby appropriated shall be paid by the treasurer upon the warrant of the comptroller drawn upon the order of said commission.

§ 2. No part of this appropriation shall be available except for plans and advertising until the armory commissioners of this state shall unite in a certificate filed in the office of the comptroller, and certifying that said armory can be completed and finished in all respects within the appropriation hereby made, and a contract therefor shall have been duly made and a bond executed, approved by the comptroller and filed with him.

§ 3. This act shall take effect immediately.

Chap. 342.

AN ACT to provide for the furnishing of life-saving apparatus, appliances and paraphernalia along the shores or banks of the streams, rivers or waters within the boundaries of cities, towns and villages of the state.

Became a law, April 9, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Erection
and loca-
tion of
life saving
apparatus.

Section 1. The common council of any city, the board of trustees of any incorporated village and the town board of any town in this state, may upon the application of ten or more taxpayers furnish, erect and locate such life saving apparatus, appliances and paraphernalia, and do all things necessary for the practical operating of the same as they may deem advisable, along the shores or banks of any streams, rivers or waters within their respective boundaries.

Supervision
and charge
of appar-
atus.

§ 2. All life saving apparatus, appliances and paraphernalia furnished and erected as by this act provided shall be under the supervision and charge of the respective common council, board of trustees and town board so directing the furnishing and erecting of the same, which shall be invested with the power to make such rules and regulations as they may deem proper for the proper maintenance, care and operating of the same, and for the improving, altering or changing of the same at any time when in their judgment they deem it in the interest of their respective localities so to do.

Cost and
expense of
operation.

§ 3. The cost and expense of the furnishing, erecting, care and operating of the apparatus, appliances and paraphernalia as by this act provided shall be paid in like manner as other debts and obligations of the city, village and town furnishing, erecting, maintaining and operating the same.

§ 4. This act shall take effect immediately.

Chap. 343.

AN ACT to appropriate money for the completion of the state armory at Schenectady, as provided by chapter seven hundred and seventy-one, laws of eighteen hundred and ninety-seven.

Became a law, April 9, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of fourteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of completing the state armory heretofore erected in the city of Schenectady, and the comptroller is directed from time to time to pay the same, for the aforesaid purpose, out of any money in the treasury not otherwise appropriated, on the written requisition of the armory commission.

Appropriation.

§ 2. No part of the sum appropriated shall be available for any construction, improvement or purchase unless a contract or contracts shall have first been made for the completion or purchase within the appropriation therefor, and the performance thereof secured by a satisfactory bond approved by the comptroller.

Contracts for completion.

§ 3. This act shall take effect immediately.

Chap. 344.

AN ACT making an appropriation to continue the promotion of sugar beet culture, in accordance with the provisions of chapter five hundred of the laws of eighteen hundred and ninety-seven.

Became a law, April 9, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to be paid in the

Appropriation for sugar beet culture.

manner prescribed by chapter five hundred of the laws of eighteen hundred and ninety-seven. Of such amount the commissioner of agriculture may expend such sum or sums as he may deem necessary or expedient, not exceeding the sum of seven thousand five hundred dollars in promoting, by instruction or otherwise, and encouraging the proper and economic cultivation of sugar beets. This appropriation is made by the legislature in continuation of the policy adopted at the session of eighteen hundred and ninety-seven in the faith and with the declared purpose of making direct appropriations from the state for a successive period of not less than five years from said first appropriation, in aid of the permanent establishment of the beet sugar industry in this state.

§ 2. This act shall take effect immediately.

Chap. 345.

AN ACT to repeal section fifty-seven of the poor law.

Became a law, April 9, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifty-seven of the poor law, as added by chapter two hundred and three of the laws of eighteen hundred and ninety-seven, is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 346.

AN ACT to amend the agricultural law, in relation to state fairs.

Became a law, April 10, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three, entitled "An act in relation to agriculture, constituting articles one, two, three, four

and five of chapter thirty-three of the general laws," is hereby amended by adding at the end thereof a new article to be known as article ten, and to read as follows:

ARTICLE X.

STATE FAIR.

Section 140. Property in town of Geddes, Onondaga county, New York.

141. State fair commission.

142. State fair.

143. Superintendent of state fair; assistants and employees.

144. Receipts and disbursements.

145. Expenses of commission.

146. State and local agricultural fairs not to be held at same time. Premiums for county or town agricultural association exhibits.

Section 140. Property in town of Geddes, Onondaga county.—The conveyance to the state by the New York State Agricultural Society of its property in the town of Geddes, Onondaga county, New York, by deed dated July twenty-eight, eighteen hundred and ninety-nine, and recorded in the office of the comptroller, is hereby accepted, ratified and confirmed. Such property, and any other property hereafter acquired by the state for state fair purposes shall be under the management and control of the state fair commission as hereinafter provided, and it may, from time to time, make rules and provide for the care, preservation and improvement thereof.

§ 141. State fair commission.—The state fair commission shall consist of eleven members, of whom the lieutenant-governor and the commissioner of agriculture shall ex officio constitute two. The remaining nine members of such commission shall be appointed by the governor, one of whom shall be a member of the New York State Grange, one a member of the New York State Association of County Agricultural Societies, and one a member of the Union Association of Agricultural Societies. Of the nine members first appointed hereunder, three shall hold for a term of one year, three for a term of two years and three for a term of

three years. Their successors shall each be appointed for a term of three years. In case of a vacancy in the office of the members appointed from the societies or associations above mentioned, their successors shall be appointed from the same societies or associations.

§ 142. *State fair.*—It shall be the duty of the said commission to hold a state fair at such times as it may deem proper, and to publish the time of holding said fair in the month of January preceding in each year after the year nineteen hundred. Such commission may make, alter, suspend or repeal needed rules relating to such fair, including the times and duration thereof, the terms and conditions of entries and admissions, exhibits, sale of privileges, payment of premiums, and any other matters which it may deem proper in connection with such fair. It shall furnish to each person who on the seventeenth day of January, nineteen hundred, was a life member of the State Agricultural Society, a free admission to the fair ground during the fair of each year during the life of such member.

§ 143. *Superintendent of state fairs; assistants and employees.*—The state fair commission may appoint a superintendent of the state fair and such other assistants and employees as they may deem necessary. It may prescribe their duties and fix their compensation. Such superintendent, assistants and employees shall be subject to removal at the pleasure of such commission.

§ 144. *Receipts and disbursements.*—The commission shall receive all moneys payable to the state on account of said fair, and make all disbursements therefrom and also from any appropriation made for that purpose by the legislature as may be needed, from time to time, in carrying on the work of the commission. At the close of each fair, the commission shall pay to the state treasurer any balance remaining in its hands received in connection with the state fair, and at the same time deliver to the comptroller an itemized verified report showing all receipts and disbursements for state fair purposes since the last report.

§ 145. *Expenses of commission.*—The commission shall receive no compensation for their services, but shall be entitled to receive the actual and necessary expenses incurred by them in the performance of their duties, to be paid on the certificate of the commissioner of agriculture and the audit and warrant of the comptroller.

§ 146. State and local agricultural fairs not to be held at the same time; premiums for county and town agricultural association exhibits.—A county or other local association which holds its fair during the same week in which a state fair is held, after the year nineteen hundred, shall not be entitled to share in any appropriation or apportionment of moneys for the current year, payable under statute to county or local agricultural societies. For the best exhibits by county and town societies, one thousand dollars in premiums shall be annually awarded.

§ 2. This act shall take effect immediately.

Chap. 347.

AN ACT to amend chapter forty-three of the laws of eighteen hundred and fifty-nine, entitled "An act to incorporate the Mercantile Library Association of the city of Brooklyn," relative to the number of trustees, et cetera.

Became a law, April 10, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter forty-three of the laws of eighteen hundred and fifty-nine, entitled "An act to incorporate the Mercantile Library Association of the city of Brooklyn," as amended by chapter one hundred and thirty-four of the laws of eighteen hundred and sixty-five, chapter six hundred and thirty-two of the laws of eighteen hundred and sixty-nine, and chapter one hundred and ninety-nine of the laws of eighteen hundred and seventy-eight, is hereby amended so as to read as follows:

§ 1. The purposes of The Brooklyn Library, incorporated by the act entitled "An act to incorporate the Mercantile Library Association of the city of Brooklyn," passed March fifteenth, eighteen hundred and fifty-nine, shall be the establishment and maintenance of a reference and circulating library, reading rooms, literary and scientific lectures, classes in the various departments of instruction, and other means of education and improvement.

§ 2. The said corporation shall continue to be known and designated as "The Brooklyn Library," and for the pur-

Charter amended.

Purposes of corporation.

Corporate name and powers.

poses thereof shall be capable of taking and holding by purchase, devise, or otherwise, and of selling, leasing, mortgaging, or otherwise disposing of, real or personal estate, as provided by law.

Officers.

§ 3. The officers of the said corporation shall be a president, vice-president, corresponding secretary, recording secretary and treasurer, who shall be chosen by the board of trustees from their own number at the annual meeting, in such manner as shall be provided in the by-laws of the said board of trustees, and who shall hold their offices for one year, and until their successors shall be elected.

Trustees.

§ 4. The corporation shall consist of, and the control and management of all the trust funds and property thereof shall be vested in, and its affairs administered by, a board of eighteen trustees, consisting of the nine existing trustees of said library, and nine additional trustees, who shall be elected by the said existing trustees in the manner hereinafter provided for filling vacancies in their own number. The said trustees shall divide themselves by lot into three classes, of not more than six members in each class. The term of office of the first of said classes shall expire in the year nineteen hundred, at the date fixed by the by-laws of the board for its annual meeting; the term of office of the second of said classes shall expire at the like date, in the year nineteen hundred and one; and the term of office of the third of said classes shall expire at the like date, in the year nineteen hundred and two. Beginning with the annual meeting in nineteen hundred, the term of office for which a trustee shall be elected shall not exceed three years; but any member shall be eligible for re-election. The said trustees shall have power to fill any vacancy which may occur in their own body or in the offices of the corporation, by death, resignation, or otherwise. The property of the said "The Brooklyn Library," and the control thereof, heretofore vested in the board of trustees of said library, shall, from and after the passage of this act, continue to be vested in the board of trustees of said library as enlarged and reconstituted hereby.

Vacancies
in office.

Property,
etc., vested
in trustees.

§ 5. The estate, property and funds of the said corporation shall be devoted solely to the general purposes and objects specified in the first section of this act.

§ 6. This act is hereby declared to be a public act, and shall in all courts and places be construed benignly and favorably for every beneficial purpose therein intended, and no misnomer or misdescription of the said corporation in any will, deed, gift, grant, demise, or other instrument of contract or conveyance shall defeat or vitiate the same; but every such will, deed, gift, grant, demise, or other instrument of contract or conveyance, shall take effect in like manner as if the said corporation were rightly named therein, provided it be sufficiently described to ascertain the intent of the parties.

Construction of act.

Misnomers do not vitiate instruments.

§ 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal.

§ 3. This act shall take effect immediately.

Chap. 348.

AN AOT to provide for the organization, management and control of the Eastern New York Reformatory, and making an appropriation therefor.

Became a law, April 10, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. From and after the passage of this act the superintendent of state prisons shall have the superintendence, management and control of the Eastern New York Reformatory now in process of construction at Napanoch in Ulster county, and he shall also have all the powers and perform all the duties heretofore conferred and imposed upon the building commissioners for such reformatory, except that all contracts heretofore entered into by said commissioners and not as yet completed shall continue under their supervision and direction. Upon the completion of said contracts the terms of the said commissioners shall cease and determine, and all unexpended appropriations for the erection, construction, equipment and maintenance of the said reformatory, or for any other purpose in connection therewith, shall be expended under the direction of the superintendent of state prisons, unless the acts making such appro-

Control and management of reformatory.

Expenditure of unexpended appropriations.

priations specifically provide that they shall be expended under the direction of the state architect.

Transfer of
prisoners
from New
York re-
formatory.

§ 2. When the north wing of the said Eastern New York Reformatory shall be prepared and equipped for the reception of prisoners, the superintendent of state prisons shall certify such fact to the board of managers of the New York State Reformatory, who may, in its discretion, transfer not to exceed one hundred and fifty of the inmates thereof to the said Eastern New York Reformatory; and upon the completion of the south wing thereof an additional one hundred and fifty inmates from the Elmira Reformatory may be similarly transferred.

Detention,
parole, etc.,
of prison-
ers.

The warden of the Eastern New York Reformatory shall receive and detain the prisoners so transferred in accordance with the terms of their sentences, and they may be paroled and discharged as are prisoners confined in the New York State Reformatory, except that the superintendent of state prisons, the president of the board of managers of the New York State Reformatory, and the warden of the Eastern New York Reformatory, shall constitute a board of parole for the purpose of paroling and discharging such prisoners, which board shall make rules for such parole and discharge not inconsistent with law and in general conformity with the rules as to paroles and discharges made by the board of managers of the New York State Reformatory and in force in that institution.

Board of
parole.

Transfer of
prisoners
from state
prisons.

§ 3. The superintendent of state prisons may transfer prisoners from any of the several state prisons to the Eastern New York Reformatory, and the warden thereof shall receive and detain such prisoners in accordance with the terms of their sentence, if such sentences are for fixed terms they shall be subject to the provisions of law governing commutation of sentence for good conduct as provided by chapter twenty-one of the laws of eighteen hundred and eighty-six. If such prisoners are confined under indeterminate sentences they may be paroled and discharged as are prisoners confined under like sentences in the state prisons. The superintendent of state prisons may also, in his discretion, transfer from the said reformatory to either of the state prisons prisoners other than those originally sentenced to the New York State Reformatory. The necessary expenses of the transfer of prisoners herein authorized shall be deemed

Parole and
discharge of
prisoners.

Transfer of
prisoners to
state
prisons.

a part of the current expenses of the Eastern New York Reformatory.

§ 4. The superintendent of state prisons may transfer officers from any of the state prisons to the same positions in the Eastern New York Reformatory for temporary or permanent service.

Transfer of officers to reformatory.

§ 5. All the provisions of title two of chapter three of part four of the revised statutes relating to state prisons shall, except so far as they are inconsistent with the terms of this act, apply to the organization, superintendence, management and control of the Eastern New York Reformatory, its officials, employes, and inmates as fully and with the same effect as they now apply to the state prisons, their officials, employes and inmates, and no laws or parts of laws relating to reformatories and inconsistent with the provisions of this act, or with the provisions of said title two of chapter three of part four of the revised statutes shall apply to the said Eastern New York Reformatory, its officials, employes or inmates.

Provisions of revised statutes applicable.

§ 6. The following sums, or so much thereof as may be necessary, are hereby appropriated: For sash, glass and ceilings, two thousand dollars; cell gallery, stairs, et cetera, eight thousand seven hundred dollars; cell-door locks and night bars, five thousand four hundred dollars; window guards for both north and south wings, six thousand dollars; heating, including one additional high-pressure boiler, four thousand dollars; plumbing, one thousand five hundred dollars; electric light wiring and fixtures, three thousand dollars; floor arches of main floor of cell wing, two thousand three hundred and fifty dollars; concrete floor of basement, four hundred and fifty dollars; all the foregoing items being for the finishing of the south wing; for temporary shop building, to be so constructed that it may be utilized hereafter as the dining-room and kitchen for said institution, the sum of twenty-five thousand dollars, or so much thereof as may be necessary; for frame stable and barn, one thousand two hundred dollars, or so much thereof as may be necessary; for the purchase of tools and equipments, robes, blankets, four truck wagons, twelve work horses, harnesses for the same, a buggy and two-seated wagon, and double and single harness, four thousand dollars, or so much thereof as may be necessary; for furnishings for five hundred inmates, including beds, blankets, cell-kits, table service, and other necessary supplies, five

Appropriation for completion and equipment.

thousand dollars, or so much thereof as may be necessary; for furnishings for the warden's and attendants' quarters, thirty-two rooms, two thousand five hundred dollars, or so much thereof as may be necessary; for drugs and dispensary fittings, one thousand five hundred dollars, or so much thereof as may be necessary; for furnishing office desks, chairs, carpets, and the furnishing of the school-room, the Bertillon supplies, library books and supplies, the sum of one thousand eight hundred and fifty dollars, or so much thereof as may be necessary; for the purchase of cooking, baking and laundry apparatus, three thousand five hundred dollars, or so much thereof as may be necessary; for temporary water-supply and piping to building, three thousand dollars; for the construction of a sewerage disposal plant and connecting same with building, eight thousand dollars, or so much thereof as may be necessary; for the construction of a stockade, two thousand dollars; for stone for permanent wall and constructing same, and for guarding and instructing convicts engaged thereon, ten thousand dollars; for the incidentals of general construction, two thousand five hundred dollars, or so much thereof as may be necessary; all of the foregoing money to be expended under the direction of the superintendent of state prisons and upon plans for construction to be furnished and supervised by the state architect.

Such of the foregoing construction as in the judgment of the superintendent of state prisons and the state architect can be most advantageously performed by the inmates of said institution shall be done by them; all other construction shall be done by contract, and no money for either of the specific items of construction which it shall have been determined are to be done by contract, shall be available therefor, except for plans and advertising, until after the execution of a satisfactory contract for the completion of the same within the sum named, and the giving of a bond duly approved by and filed with the comptroller.

§ 7. This act shall take effect immediately.

Chap. 349.

AN ACT to authorize and empower the board of trustees of the village of Sing Sing, in the county of Westchester to issue certificates of indebtedness on the credit of said village, to the amount of twelve thousand dollars.

Became a law, April 10, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The trustees of the village of Sing Sing, in the county of Westchester, are authorized and empowered to issue certificates of indebtedness to the amount of twelve thousand dollars to become due and payable within twelve years from the date of such issue, with interest not to exceed three and one-half per centum per annum. Issue of certificates authorized.

§ 2. The said sum of twelve thousand dollars, to be applied to the payment and discharge of the present floating debts and obligations of said village, and said certificates of indebtedness to be issued for one thousand dollars each with interest, one of said certificates with interest to be paid in each fiscal year for twelve successive years hereafter and to be signed by the president and attested by the clerk of said village with the seal of said village attached. Application of proceeds.

§ 3. The board of trustees of said village of Sing Sing, is hereby authorized and empowered to assess, levy and collect upon the taxable property in said village, the sum of one thousand dollars with interest each fiscal year for twelve successive years hereafter, in addition to the amount of the annual tax levy of said village. Tax for interest and principal.

§ 4. This act shall take effect immediately.

Chap. 350.

AN ACT to change the name of Westchester Firemen's Association of the city of New York.

Became a law, April 10, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Change of
corporate
name.

Section 1. The name of Westchester Firemen's Association of the city of New York, a corporation duly incorporated under and by virtue of chapter three hundred and seven of the laws of eighteen hundred and ninety-six, is hereby changed to "Westchester Exempt Firemen's Association of the City of New York," and as such shall enjoy and exercise all the rights and powers it has heretofore possessed.

Contracts,
etc., not
affected.

§ 2. Nothing herein contained shall in any way impair or affect any contract, liability, obligation or duty of said corporation, made, entered into, or incurred before the passage of this act, with or to any person or persons, corporation or corporations, or of any person or persons, corporation or corporations, with or to said corporation, or any proceedings instituted, or that may be instituted to enforce any contract, obligation, liability, or duty in favor of or against said corporation; but any and all such contracts, obligations, liabilities, duties and proceedings shall be and remain valid and binding in all respects to the same extent and liable to be enforced by and against said corporation by the name of "Westchester Exempt Firemen's Association of the City of New York" in the same manner as if the alteration contained in this act had not been made.

§ 3. This act shall take effect immediately.

Chap. 351.

AN ACT amending section two of chapter eight hundred and ninety-two of the laws of eighteen hundred and ninety-six, entitled "An act authorizing the appointment of personal clerks to the justices of the supreme court in the second judicial district, not including the county of Kings, and authorizing the supervisors of the several counties in the second judicial district, not including the county of Kings, to appropriate and pay compensation to such clerks," relative to the compensation of said clerks.

Became a law, April 10, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter eight hundred and ninety-two of the laws of eighteen hundred and ninety-six, entitled "An act authorizing the appointment of personal clerks to the justices of the supreme court in the second judicial district, not including the county of Kings, and authorizing the supervisors of the several counties in the second judicial district, not including the county of Kings, to appropriate and pay compensation to such clerks," is hereby amended so as to read as follows: Act amended.

§ 2. The salary of such confidential clerks shall not exceed the sum of two thousand dollars each per annum. Salary of clerk.

§ 2. This act shall take immediately.

Chap. 352.

AN ACT to legalize a special election held in the village of Mayville on the second day of July, eighteen hundred and ninety-eight, authorizing the issue of bonds of said village for the construction of water works.

Became a law, April 10, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The special election held in the village of Mayville on the second day of July eighteen hundred and ninety-eight, Special election legalised.

Issue of
bonds.

authorizing the issuing of bonds or other obligations of such village in an amount not exceeding twelve hundred and fifty dollars, in accordance with sections one hundred and twenty-eight and one hundred and twenty-nine of the village law, and any other provisions thereof applicable thereto, for the purpose of constructing water works on certain streets and public places of said village, is legalized, ratified and confirmed; and the proper officers of said village are hereby empowered to carry out the terms of said appropriation, issue bonds or other obligations, and construct water works in said village pursuant to such election.

§ 2. This act shall take effect immediately.

Chap. 353.

AN ACT to legalize, ratify and confirm certain bonds issued by the village of Cuba, for the purpose of making certain improvements in the water works system of said village.

Became a law, April 10, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Special
election
legalized.

Section 1. The special election held in the village of Cuba, on the second day of September, eighteen hundred and ninety-nine, upon the petition of the requisite number of taxpayers thereof, to vote upon and determine the question of issuing bonds of said village, to the amount of four thousand dollars, to provide means to make certain improvements and additions to the water works system of said village, at which election the proposition received the requisite majority of the votes of the taxpayers voting thereon, shall be deemed to have been held on proper and sufficient notice, conducted in the manner and for the time provided by the village law, and said election and the proceedings had by the board of village trustees and other officers of said village, precedent and subsequent thereto, in the matter of the issuance of said bonds, are hereby legalized, ratified and confirmed; and the said bonds to the amount of four thousand dollars, which have been issued and sold for more than the par value thereof and the

Bonds
issued
valid.

proceeds received by said village, are hereby made and declared to be valid and legally binding general obligations of said village.

§ 2. This act shall take effect immediately.

Chap. 354.

AN ACT to authorize the trustees of the village of Clyde to levy, and collect a tax for the purpose of paying the existing indebtedness of said village.

Became a law, April 10, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The trustees of the village of Clyde, New York, are hereby authorized, and empowered to raise by tax during the year nineteen hundred the sum of nine hundred dollars, in addition to the sums now allowed to be raised by law for the purpose of paying any indebtedness of the village incurred prior to March thirteenth, nineteen hundred. Said sum of nine hundred dollars to be included in the amount to be raised in the annual tax roll of said village, for said year.

§ 2. This act shall take effect immediately.

Chap. 355.

AN ACT to amend chapter five hundred and twelve of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the village of Harts Falls in the county of Rensselaer," relative to the amount of highway funds to be raised in any one year.

Became a law, April 10, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of title five of chapter five hundred and twelve of the laws of eighteen hundred and sixty-seven entitled

Charter
amended.

"An act to incorporate the village of Harts Falls in the county of Rensselaer," as amended by chapter two hundred and three of the laws of eighteen hundred and seventy-seven, is hereby amended so as to read as follows:

Annual
highway
tax.

§ 1. The board of trustees are authorized and empowered to raise annually, by tax, such an amount of money, denominated highway tax, as they shall deem necessary, which shall be assessed as follows: each male inhabitant of twenty-one years of age and upward shall be assessed one dollar, and the balance shall be assessed on the real and personal property within the said village according to the valuation of said real estate and personal estate as it shall appear upon the assessment roll for the year in which said money shall be raised, but the sum so raised in any one year shall not exceed the sum of eight hundred dollars in excess of a sum equal to one dollar for every male inhabitant of said village of the age of twenty-one years and upwards; such money shall be expended under the direction and control of the trustees for keeping in repair the streets, highways, bridges, lanes, alleys and sidewalks in said village, and for the payment of any lawful claims against said village, except claims for damages sustained by reason of laying out, opening, widening or altering any street, lane, alley or sidewalk in said village. The board of trustees shall cause the village tax roll to be made out and filed, together with an extra copy thereof, in the office of the clerk.

Village tax
roll.

§ 2. This act shall take effect immediately.

Chap. 356.

AN ACT to authorize the supervisor of the town of Fallsburgh, county of Sullivan, New York, as railroad commissioner to issue bonds to retire outstanding bonds as they become due.

Became a law, April 10, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The supervisor of the town of Fallsburgh, county of Sullivan, as railroad commissioner of such town is hereby authorized to issue bonds bearing interest at a rate not exceeding four per centum per annum to pay and retire outstanding

bonds of said town of Fallsburgh as they become due. Such bonds shall not be sold for less than par and shall become due within twenty years from their date of issue.

§ 2. This act shall take effect immediately.

Chap. 357.

AN ACT to amend section one of chapter six hundred and thirty-seven of the laws of eighteen hundred and ninety-eight, entitled "An act to confer jurisdiction on the court of claims to hear and determine the claim of Lelia E. Marsh against the state, and to make an award therefor," by extending the time for the filing of said claim.

Became a law, April 10, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter six hundred and thirty-seven of the laws of eighteen hundred and ninety-eight, entitled "An act to confer jurisdiction upon the court of claims to hear and determine the claim of Lelia E. Marsh against the state, and to make an award therefor," is hereby amended to read as follows: Act amended.

§ 1. Jurisdiction is hereby conferred upon the court of claims to hear, audit and determine the claim, if any, of Lelia E. Marsh against the state of New York for money paid into the treasury of the state of New York in excess of the amount actually due and owing to the state by said Lelia E. Marsh for the redemption of her land in the southerly one-half of township thirty-five, Totten and Crossfield's purchase, Hamilton county, from the tax sales of eighteen hundred and seventy-seven, eighteen hundred and eighty-one and eighteen hundred and eighty-five; and to refund to said Lelia E. Marsh the money paid by her into the state treasury for taxes on land in said township other than her own. And if the facts proved before said board shall establish that said Lelia E. Marsh did pay into the state treasury any moneys on account of taxes and interest on any land in said southerly one-half of said township other than the portion of the land to which she claimed title, such board shall determine Jurisdiction to hear claims.

Award or
judgment.

the proportionate share of the taxes which said Lelia E. Marsh should have paid on the land owned by her and shall award to her the difference between such proportionate share and the whole amount actually paid by her to redeem her interest in the lands in said southerly one-half of said township from said tax sales. Provided herein that no award shall be made or judgment rendered herein, against the state unless the facts proved shall make out a case against the state which would create a liability were the same established in evidence in a court of law or equity against an individual or corporation; and in case such liability shall be satisfactorily established then the court of claims shall award to and render judgment for the claimant for such sum as shall be just and equitable notwithstanding the lapse of time since the accruing of said damages, provided the claim hereunder is filed with the court of claims on or before the first day of June, nineteen hundred.

§ 2. This act shall take effect immediately.

Chap. 358.

AN ACT to amend section one of chapter five hundred ninety-two of laws of eighteen hundred and ninety-nine, entitled, "An act to authorize the commissioners of the land office to exchange certain parcels of land with the Western New York and Pennsylvania Railway Company.

Became a law, April 10, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section one of chapter five hundred and ninety-two of laws of eighteen hundred and ninety-nine, entitled, "An act to authorize the commissioners of the land office to exchange certain parcels of land with the Western New York and Pennsylvania Railway Company," is hereby amended so as to read as follows:

Exchange
of lands
authorized.

§ 1. The commissioners of the land office are hereby authorized and empowered to exchange with, for other lands, and convey to, the Western New York and Pennsylvania railway company the following premises or any part thereof situate in the county of Livingston, state of New York, and being part of the Craig Colony

property, and described according to the stations and survey of said company, and a map filed in Livingston county clerk's office, marked, "Craig Colony and Western New York and Pennsylvania railway company exchange map;" as follows: Beginning at station number two thousand one hundred and thirty-eight plus nought two in the center line of the Western New York and Pennsylvania railway, situated about eight hundred and forty-nine and three-tenths feet, measured on said center line, northerly from the center of Sonyea station; thence by said center line southerly to the southerly line of said Craig Colony lands, where the same crosses the center line of said railway, by the courses and distances following: From station two thousand one hundred and thirty-eight plus nought two southerly curving right with radius of eleven hundred and forty-six feet five hundred and fifty-two and four-tenths feet to station two thousand one hundred and forty-three plus fifty-four and four-tenths; thence curving right by new center line with radius of sixteen hundred and sixty-nine and one-tenth feet, seventeen hundred and eighty and six-tenths feet to station two thousand one hundred and sixty-one plus nought four and four-tenths of the original center line; thence curving left with radius of one thousand four hundred and thirty-two and seven-tenths feet, one hundred and fifty feet to station two thousand one hundred and sixty-two plus fifty-four and four-tenths; thence curving left with radius of twenty-eight hundred and sixty-four and nine-tenths feet two hundred and sixty-four feet to station two thousand one hundred and sixty-five plus eighteen and four-tenths; thence curving left with radius of seven hundred and sixteen and eight-tenths feet, three hundred and twenty-one feet to station twenty-one hundred and sixty-eight plus thirty-nine and four-tenths; thence south nineteen degrees twenty-one minutes west, sixty-one and five-tenths feet; thence curving right with radius of twenty-two hundred and ninety-two feet, six hundred and thirty feet to station twenty-one hundred and seventy-five plus thirty and nine-tenths; thence south thirty-five degrees six minutes west sixteen hundred and fifty-six and nine-tenths feet to station twenty-one hundred and ninety-one plus eighty-seven and eight-tenths; thence curving left with radius of six hundred and thirty-seven and three-tenths feet, five hundred and thirty-three and six-tenths feet to station twenty-one hundred and ninety-seven plus twenty-one and four-tenths; thence

south twelve degrees fifty-four minutes east, three hundred and twenty-two feet to station twenty-two hundred plus forty-three and four-tenths; thence curving right with radius of ten hundred and ninety-one and seven-tenths feet, sixteen hundred and sixty-two and five-tenths to station twenty-two hundred and seventeen, plus nought five and nine-tenths; thence curving right with radius of thirty-five hundred and eighty-one feet, six hundred and six and five-tenths to station twenty-two hundred and twenty-three, plus twelve and four-tenths; thence south eighty-four degrees four minutes west, four hundred and thirty-nine feet to station twenty-two hundred and twenty-seven, plus fifty-one and four-tenths; thence curving left with radius of nine hundred and fifty-five and four-tenths feet, seven hundred and fourteen feet to station twenty-two hundred and thirty-four, plus sixty-six and four-tenths; thence curving left with radius of twenty-eight hundred and sixty-four and nine-tenths feet, seven hundred and eighty-eight feet to station twenty-two hundred and forty-two, plus fifty-four and four-tenths; thence curving left with radius of eight hundred and nineteen feet, four hundred and seventy-nine feet to station twenty-two hundred and forty-seven, plus thirty-three and four-tenths; thence south eight degrees and eight minutes east, six hundred and twenty-three and six-tenths feet to station twenty-two hundred and fifty-three, plus fifty-seven, at intersection of said center line with the southern boundary line of the Craig Colony lands; thence westerly on said boundary line to a point fifty feet distant at right angles from the center line aforesaid; thence northerly, parallel with the center line just described and fifty feet distant parallel therefrom to a point opposite station twenty-one hundred and ninety-one, plus eighty-seven and eight-tenths; thence north fifteen degrees six minutes east, one hundred and eighty feet more or less to the east bank of Cashaqua creek; thence by the easterly bank of Cashaqua creek northerly to a point fifty feet westerly at right angles from station twenty-one hundred and seventy-nine, plus twenty-three and nine-tenths; thence northerly parallel with the center line aforesaid and fifty feet westerly therefrom to station twenty-one hundred and forty-eight, plus nought five and eight-tenths; thence northerly one hundred and forty feet to a point eighty feet at right angles westerly from station twenty-one hundred and forty-six, plus

ninety-three and three-tenths; thence parallel with said center line eighty feet to a point eighty feet westerly from station twenty-one hundred and forty-six, plus nought nine and three-tenths; thence northerly one hundred and forty feet to a point fifty feet distant at right angles westerly from station twenty-one hundred and forty-four, plus sixty-six and three-tenths; thence northerly parallel with said center line and fifty feet distant westerly at right angles therefrom to a point distant fifty feet at right angles westerly from station twenty-one hundred and thirty-eight, plus nought two from said center line, being also a point in the southerly blue line of the Genesee valley canal; thence by said blue line southeasterly two hundred and seventy-two feet more or less, to a point distant fifty feet at right angles easterly from station twenty-one hundred and forty, plus sixty-three of said center line; thence southerly parallel with said center line and fifty feet distance therefrom to a point fifty feet at right angles easterly from station twenty-one hundred and forty-eight plus eighty of said center line; thence easterly sixty-five feet to the westerly line of the driveway shown on said map; thence southerly on the westerly line of said driveway one hundred feet to the corner of an intersecting driveway; thence westerly on the northerly line of said last mentioned driveway eighty-one and one-half feet to a point fifty feet distant at right angles from station twenty-one hundred and forty-nine plus seventy-eight of said center line; thence southerly parallel to said center line and distant fifty feet easterly therefrom to station twenty-one hundred and fifty-eight plus fifty of said center line; thence south-westerly one hundred and eighty feet more or less, to a point distant seventy-five feet at right angles easterly from station twenty-one hundred and sixty of said center line; thence by the westerly bank of Cashaqua creek to a point distant fifty feet at right angles easterly from station twenty-one hundred and seventy-eight plus eleven of said center line, being at the northerly end of bridge number six of said railway; thence southerly parallel with said center line and fifty feet distant at right angles easterly therefrom to the southerly line of said colony lands aforesaid; and thence westerly by said southerly line through station twenty-two hundred and fifty-three plus fifty-seven to a point fifty feet distant at right angles westerly from said center line as heretofore described, being the right of way of said rail-

way company generally one hundred feet in width, extending from the point where the center line of the Western New York and Pennsylvania railway, crosses the southerly blue line of the Genesee valley canal lands about eight hundred and fifty feet northerly of the center of Sonyea passenger station, thence southerly by the courses and distances of the center line of said railway about eleven thousand five hundred and fifty-five feet to the point where said center line crosses the southerly boundary line of said Craig Colony's lands, containing nine and nine-tenths acres, more or less, exclusive of lands now owned within said lines by said railway company. The land hereby intended to be conveyed is indicated in red on the map aforesaid.

§ 2. This act shall take effect immediately.

Chap. 359.

AN ACT making appropriations for the New York State Reformatory at Elmira.

Became a law, April 10, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation for improvements.

Section 1. The following sums are hereby appropriated to the uses and purposes of the New York State Reformatory at Elmira, or Elmira Reformatory, from any moneys in the treasury, not otherwise appropriated: For repairs to steam heating plant, twenty thousand dollars, or so much thereof as may be necessary; for repairs to water supply plant and a filtration plant, twenty thousand dollars, or so much thereof as may be necessary; for repairs to electrical plant, fifteen thousand dollars, or so much thereof as may be necessary; for repayment to the treasurer of said institution for its use on the order of said board of managers, in lieu of an equivalent sum heretofore erroneously paid into the treasury of the state in or about the month of June, eighteen hundred and ninety-nine, the sum of one hundred fifty-six and eighty-two one-hundredths dollars. For the erection of two brick cottages upon the grounds of said institution, for the use of the assistant superintendent and of the physician thereof, ten thousand dollars, or so much thereof as may be necessary.

§ 2. The state architect shall prepare the plans and specifications for the board of managers, subject to the approval of the state comptroller, and superintend the work authorized by this act. Plans, etc.

§ 3. Work under this act requiring an expenditure of five hundred dollars or more shall be done by contract, except work which in the opinion of the state architect can be more advantageously performed by the inmates of the institution and no item of said appropriation shall be available for any such construction of buildings under contract, except for advertising, unless a contract therefor, according to plans and specifications, shall have been first made for the completion thereof within the appropriation therefor, and the performance secured by a satisfactory bond approved by and filed with the comptroller. Expenditures for general improvements and repairs, for specific amounts requiring less than five hundred dollars for separate items, may be done by or under the supervision of the board of managers on estimates or contracts approved by the comptroller. Contracts for work.

§ 4. This act shall take effect immediately.

Chap. 360.

AN ACT to authorize the village of Lima to borrow money for the payment of a deficiency arising in the construction of its water works system, and for the payment of fire-hose and hose-carts, and to issue its notes therefor.

Became a law, April 10, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The trustees of the village of Lima are hereby authorized and empowered to borrow a sum not exceeding two thousand five hundred dollars, upon the credit of said village, and to issue the note or notes of said village under the hands of the president and clerk and the seal of said village, payable in such amounts and at such times as such trustees may deem best,—the term of credit, however, not to exceed five years, and the rate of interest not to exceed five per centum per annum, for the payment of a deficiency arising in the construction of a Issue of notes.

water works system in said village, and for the payment for fire-hose and hose-carts already purchased and received by said village. Said notes shall not be negotiated at less than their par value.

Tax for
interest and
principal.

§ 2. The trustees of said village are hereby authorized to levy the amount of the principal and interest of said note or notes in the annual assessment for the year in which the same shall, respectively, become due.

§ 3. This act shall take effect immediately.

Chap. 361.

AN ACT to amend chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled "An act to incorporate the city of Mount Vernon," relative to moneys to be raised for maintenance of fire department.

Accepted by the city.

Became a law, April 10, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two entitled "An act to incorporate the city of Mount Vernon" is hereby amended by adding thereto additional sections, which shall be known as section two hundred and eleven-a and section two hundred and eleven-b, and to read as follows:

Annual
estimate of
fire depart-
ment.

§ 211-a. The said board of fire commissioners shall annually on or before the fifteenth day of December fix and determine the amount of moneys necessary to be raised in the annual taxes for the maintenance of the fire department, and shall make a requisition for the amount, so fixed and determined, upon the common council of the city of Mount Vernon, but said sum shall not exceed in any one year twelve thousand dollars, but the common council may reduce such estimate. The amount finally fixed and determined by the common council shall be placed in a separate fund to be called and designated by the comptroller and city treasurer as a fund for the maintenance of the fire department, which said fund shall not be used for any other

Separate
fund.

purpose than specified by this act. The common council of the city of Mount Vernon shall annually levy and assess upon the taxable property in the said city of Mount Vernon the sum so fixed and determined, in the manner provided by law for assessing, levying and collecting the city taxes within and for the said city. Levy of tax.

§ 211-b. It shall be the duty of the mayor and city clerk upon receipt of a requisition from the board of fire commissioners to the common council, and by that body ordered, to prepare a draft for each and every account or bill which may be presented, duly certified by the president and secretary of said board of fire commissioners that said bills and accounts have been audited, which draft shall be countersigned by the comptroller in the same manner as drafts for bills and accounts against the city are now signed, and countersigned, and when the drafts are so signed and presented to the treasurer of the city, he shall pay the same from the fund for the maintenance of the fire department. Drafts for fire department bills.
Payment thereof.

§ 2. This act shall take effect immediately.

Chap. 362.

AN ACT to repeal chapter fifty-nine of the laws of eighteen hundred and ninety-four entitled "An act to provide for the better administration of justice in the town of Halfmoon, in the county of Saratoga," and chapter four hundred and fifty-eight of the laws of eighteen hundred and ninety-five entitled "An act to amend chapter fifty-nine of the laws of eighteen hundred and ninety-four entitled 'An act to provide for the better administration of justice in the town of Halfmoon, in the county of Saratoga.'"

Became a law, April 10, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter fifty-nine of the laws of eighteen hundred and ninety-four entitled "An act to provide for the better administration of justice in the town of Halfmoon, in the county of Saratoga," and chapter four hundred and fifty-eight of the Acts repealed.

laws of eighteen hundred and ninety-five entitled "An act to amend chapter fifty-nine of the laws of eighteen hundred and ninety-four entitled "An act to provide for the better administration of justice in the town of Halfmoon, in the county of Saratoga" are hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 363.

AN ACT to authorize the town board of the town of Stillwater in the county of Saratoga to issue bonds for the purpose of raising money to build and construct a public highway in said town.

Became a law, April 10, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Issue of
bonds.

Section 1. The town board of the town of Stillwater, in the county of Saratoga, is hereby authorized and empowered to borrow on the faith and credit of said town, for the purpose of building and constructing a public highway in said town, as laid out by the commissioners appointed by the county court of Saratoga county for the purpose of laying out such highway and assessing the damages therefor, the report of which said commissioners laying out said highway and assessing the damages therefor has been heretofore duly confirmed by an order of the county court of said county duly made and entered in the county clerk's office of said county, a sum not exceeding ten thousand dollars, upon such terms of credit not exceeding thirty years, and at a rate of interest not exceeding five per centum per annum; and to secure the payment of said loan said town board is authorized and empowered to make, execute and deliver bonds, certificates or other obligations, in the name and behalf of said town, which shall be signed by the supervisor and town clerk of said town, or a majority of the members of said town board, which said bonds, certificates or other obligations, shall be payable in such respective amounts and at such respective times as said town board shall determine; and said bonds, cer-

tificates or other obligations both the principal and interest thereof shall be a lien upon the taxable property both real and personal of said town, which property is hereby pledged for their payment; and the said moneys so borrowed shall be applied by the said town board to the necessary expenses of building and constructing said public highway in said town, and for no other purpose. No bonds, certificates or other obligations shall be disposed of by said town board at less than par value thereof.

Application
of proceeds.

§ 2. The bonds, certificates or other obligations authorized to be issued by this act shall be sold by the town board of said town, or by such other person as said town board shall designate to act as auctioneer thereof in their place and stead, at public auction to the highest bidder; said town board shall advertise the said bonds, certificates or other obligations for sale for not less than three weeks prior to the time of the sale thereof, and notice of the sale thereof shall be given by the publication of such notice at least once in each week in the public newspaper printed or published in the village of Stillwater called the "Stillwater Journal," and the newspaper printed and published in the village of Mechanicville called the "Mechanicville Saturday Mercury." The proceeds of the sale of said bonds, certificates or other obligations shall be paid to the supervisor of said town and shall be kept by him as a separate fund to be used and applied for the purposes designated by this act, and for such purposes only. The proceeds of the sale of said bonds, certificates or other obligations shall be paid out upon checks drawn and signed by the said supervisor of said town and countersigned by the clerk of said town. The supervisor of said town shall keep an accurate account of the proceeds of the sale of said bonds, certificates or other obligations, and shall render an account of his disbursements thereof to the town board of said town whenever and so often as they may require him so to do; said supervisor shall give such security for the faithful performance of his duties under the provisions of this act, as the town board of said town shall demand and approve.

Sale of
bonds.

Notice of
sale.

Proceeds of
sale.

§ 3. The said bonds, certificates and other obligations shall show upon their face that they are issued under and in pursuance of the provisions of this act, and a record of all such bonds, certificates or other obligations which may be issued shall be kept by the clerk of said town, and such record shall show the

Recital
upon bond.

Record.

manner and rate of interest of the said bonds, certificates or other obligations, to whom the same are sold, the amount received from the sale of each, and the time and place where said bonds are payable.

Tax for
principal
and
interest.

§ 4. The town board of said town of Stillwater shall include in the annual tax budget of said town, and there shall be levied upon and collected from the taxable property of said town in each year a sum sufficient to pay the principal sum named in said bonds, certificates or other obligations issued pursuant to this act, as the same shall mature, together with the interest on the aggregate sum and amounts of said bonds, certificates or other obligations remaining unpaid in each year. The taxes herein provided for shall be levied and collected at the time of the levying and collecting of the general taxes in said town in each year, and shall be in addition to any and all other tax or taxes which now are or may be hereafter levied and assessed upon said town and the taxable inhabitants and property thereof, under and by virtue of any statute now in force or which may be hereafter enacted.

§ 5. This act shall take effect immediately.

Chap. 364.

AN ACT making an appropriation for buildings, repairs and improvements at the state hospitals for the insane.

Became a law, April 10, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation for
repairs, etc.

Section 1. The sum of one million dollars or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the construction of buildings, repairs and improvements at the state hospitals for the insane, to be expended under the provisions of chap-

ter five hundred and forty-five of the laws of eighteen hundred and ninety-six, chapter nine hundred and forty-four of the laws of eighteen hundred and ninety-six, chapter four hundred and sixty of the laws of eighteen hundred and ninety-seven, and chapter six hundred and thirty-six of the laws of eighteen hundred and ninety-eight. The sum hereby appropriated shall be available on the passage of this act as the work progresses. When available.

§ 2. This act shall take effect immediately.

T A B L E

OF

GENERAL LAWS AND SECTIONS OF THE CODES AMENDED OR REPEALED BY THE LAWS OF 1900.

PREPARED BY THE COMMISSION OF STATUTORY REVISION.

I. GENERAL LAWS AMENDED.

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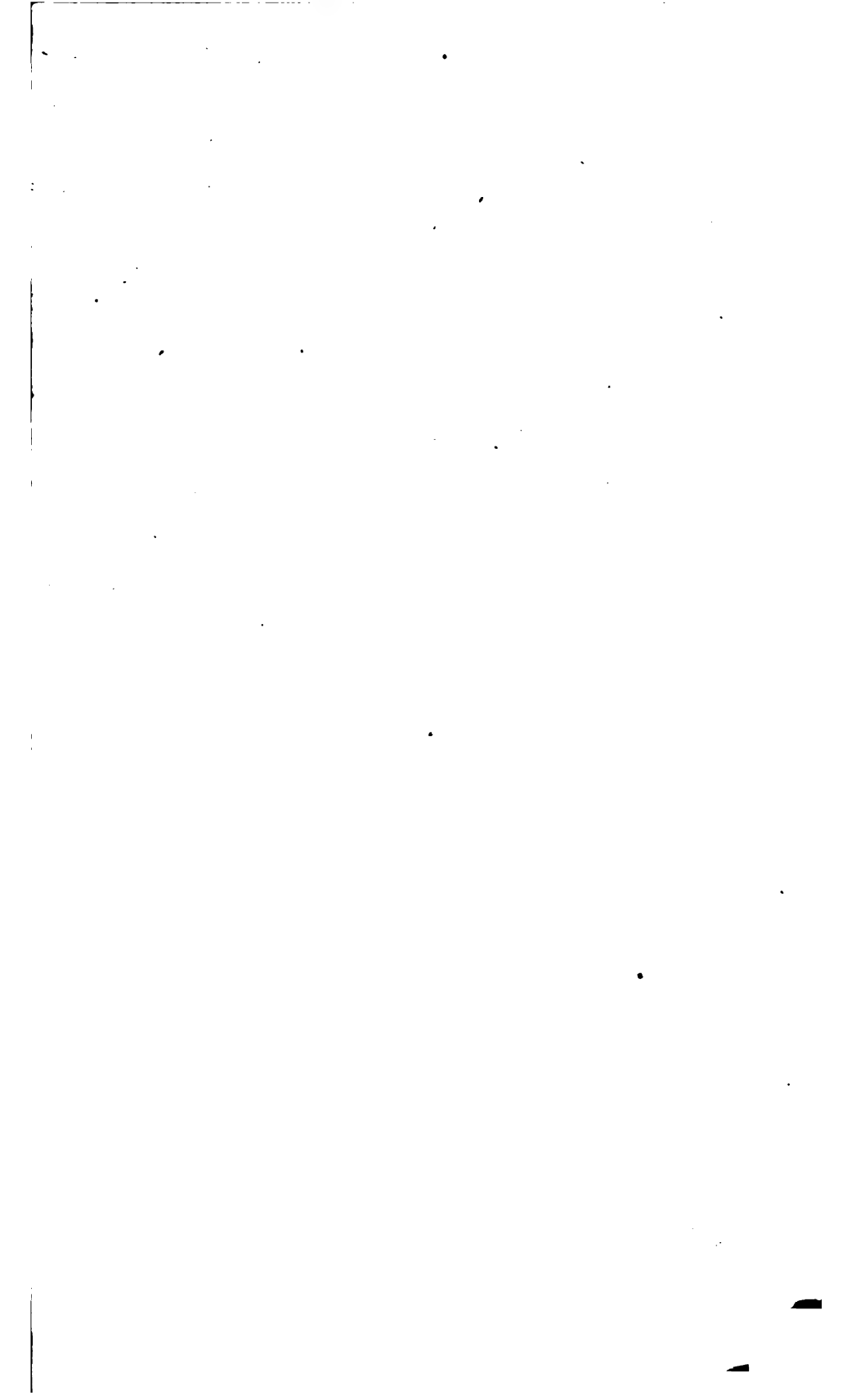
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